

**DISTRICT TOWNSHIP
ZONING ORDINANCE OF 2018**

Ordinance No. 2018 - 01

District Township, Berks County, Pennsylvania

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DISTRICT TOWNSHIP, BERKS COUNTY

ZONING ORDINANCE

ARTICLE I

TITLE AND PURPOSE

Section 100. TITLE

AN ORDINANCE OF DISTRICT TOWNSHIP, BERKS COUNTY, PENNSYLVANIA, PERMITTING, REGULATING, RESTRICTING, PROHIBITING, AND DETERMINING THE USES OF LAND, BODIES OF WATER, AND WATERCOURSES; THE SIZE, HEIGHT, BULK, LOCATION, ERECTION, CONSTRUCTION, REPAIR, MAINTENANCE, ALTERATION, RAZING, REMOVAL, USE AND DENSITY OF STRUCTURES; THE AREAS AND DIMENSIONS OF LAND AND BODIES OF WATER TO BE OCCUPIED BY USES AND STRUCTURES, AS WELL AS AREAS, COURTS, YARDS, AND OF THE OPEN SPACES AND DISTANCES TO BE LEFT UNOCCUPIED BY USES AND STRUCTURES; THE DENSITY OF POPULATION AND INTENSITY OF USE; AND THE PROTECTION AND PRESERVATION OF HILLSIDES, WOODLANDS, AREAS SUBJECT TO ENVIRONMENTALLY SENSITIVE CONDITIONS, NATURAL RESOURCES AND AGRICULTURAL LAND; DIVIDING THE TOWNSHIP INTO DISTRICTS, ESTABLISHING BOUNDARIES AND PRESCRIBING UNIFORM REGULATIONS FOR EACH SUCH DISTRICT; PROVIDING FOR THE ADMINISTRATIVE ENFORCEMENT AND AMENDMENT OF THE PROVISIONS OF THIS ORDINANCE; AND PROVIDING PENALTIES FOR VIOLATIONS.

SHORT TITLE

THIS ORDINANCE SHALL BE KNOWN AS AND MAY BE CITED AS “THE DISTRICT TOWNSHIP ZONING ORDINANCE.

Section 101. PURPOSE

This Ordinance is enacted in accordance with Section 601 of the Pennsylvania Municipalities Planning Code, 53 P.S. § 10601 et seq., for the following purposes:

- Promote the public health, safety, and general welfare of the residents of District Township by encouraging the most appropriate use of land and buildings.
- Provide for the protection and preservation of the natural resources within the Township, including water resources.
- Preserve prime agriculture and farmland considering topography, soil types and classification and present use.
- Protect the headwaters of the Perkiomen, Pine, Oysterville, Sacony, and Swamp creeks.
- Protect Pennsylvania State game lands.

- Steer development away from steep slopes to avoid stormwater and drainage problems.
- Promote compliance with The Department of Environmental Protection's regulations regarding wells, septic systems and stormwater.
- Avoid the improvement of additional roadway capacity that would lead to additional local development pressure.
- Prevent the overcrowding of land, blight, danger and congestion in travel and transportation, loss of health, life or property from fire, flood or other dangers.
- Provide for the use of land for residential housing consistent with the other purposes stated herein.
- Implement the Community Vision and Community Planning Goals established by the Eastern Berks Joint Comprehensive Plan (the "Plan"), which addresses growth and development of District and Rockland Townships and Tipton Borough and the Brandywine Heights Area School District.
- Protect the region's rural areas, wetlands farms, open spaces, wildlife habitat corridors and pristine water resources as suggested in the Plan.
- The Plan also seeks to strengthen downtown Tipton that services as the region's center for commercial, community and cultural activity and events.

ARTICLE II

INTERPRETATION AND APPLICATION

Section 200. INTERPRETATION

In interpreting and applying the provisions of this Zoning Ordinance, they shall be held to be the minimum requirements for the promotion of the public health, safety and welfare of the residents of District Township. Where the provisions of this Ordinance impose greater restrictions than those of any statute, other ordinance or regulation, the provisions of this Ordinance shall be controlling. Where the provisions of any statute, other ordinance or regulation impose greater restrictions than does this Ordinance, the provisions of such other statute, ordinance or regulation shall be controlling.

Section 201. APPLICATION

The provisions, regulations, limitations and restrictions of this Zoning Ordinance shall apply to all structures, buildings, land uses, and signs in District Township. Nothing in this Ordinance shall require any change in plans or construction of the lawful use for which a permit was issued prior to the effective date of this Ordinance, provided that the construction shall have been diligently carried on in the opinion of the Zoning Officer. If construction has not been diligently carried on in the opinion of the Zoning Officer, a new permit in compliance with the various appropriate sections of this Ordinance shall be secured from the Township Zoning Officer.

ARTICLE III

DEFINITIONS

Section 300. GENERAL

For the purposes of this Ordinance certain terms and words are defined as follows. Words used in the present tense shall include the future tense. Words used in the singular shall include the plural and words in the plural shall include the singular. The words shall and must are mandatory. The word may is permissive. The word “used” or “occupied” as applied to any land or building shall be construed to include the words “intended, arranged, maintained for, occupied for, or designed to be used or occupied”. Words in the masculine gender include the feminine and the neuter. The word “building” includes “structure” and shall be construed as if followed by the phrase “or part thereof.” Terms not defined in this Ordinance shall have the meaning customarily assigned to them.

Section 301. DEFINITIONS

Access Drive – A private drive providing vehicular access between a public or private street and a building, parking area or loading area within a land development.

Access Strip The portion of a flag lot which fronts on a public street and provides access to a single lot but the area of which is not counted in determining lot width.

Accessory Building or Structure - A building or structure subordinate to the principal building on a lot and used for purposes customarily incidental to those of the principal building.

Advertising Signs: See Sign

AEU per acre An animal equivalent unit per acre of cropland or acre of land suitable for application of animal manure.

Agricultural Operations The management and use of farming resources for the production of crops, livestock or poultry.

Agriculture Terms – For the purposes of this ordinance, the following agriculture-related definitions are contained herein: agricultural operations, animal concentration areas, animal equivalent unit (AEU), AEU per acre, farm, farming resources, intensive agricultural operation, livestock, normal agricultural operation.

Airport – Any area of land or water which is used, or intended to be used, for the landing and takeoff of aircraft and any appurtenant areas which are used, or intended to be used, for airport buildings or navigation facilities or rights of way, together with all airport buildings and facilities thereon.

Alteration - Any enlargement, relocation or movement of any structure or supporting member thereof, including alteration of a building, but not including any modification made wholly within a building, etc.

Animal Concentration Areas (i) Barnyards, feedlots, loafing areas, exercise lots or other similar animal confinement areas that will not maintain a growing crop, or where deposited manure nitrogen is in excess of crop needs. (ii) The term excludes areas managed as pastures or other cropland. (iii) The term excludes pasture access ways, if they do not cause direct flow of nutrients to surface water or groundwater.

Animal Equivalent Unit (AEU) One thousand pounds live weight of livestock or poultry animals, on an annualized basis, regardless of the actual number of individual animals comprising the unit.

Applicant – A landowner or developer, as hereinafter defined, who has filed an application for development, including his heirs, successors, and assigns.

Application for Development – Every application, whether preliminary, tentative or final, required to be filed and approved prior to start of construction or development including but not limited to an application for a building permit, for the approval of a subdivision plat or plan or for the approval of a development plan.

Approved Private Street - A legally established right-of-way which provides the primary vehicular access to two (2) or more lots, which has not been dedicated or deeded to District Township, but has been approved by the Board of Supervisors.

Area - The quantity of land projected on a horizontal plane enclosed by the boundaries or extremities of a lot, parcel, tract, etc.

Attic - That part of a building which is immediately below and wholly or partly within the roof framing.

Basement - A story partly below the finished grade, but having at least one-half (1/2) of its height (measured from finished floor to finished ceiling) above the average level of the finished grade where such grade abuts the exterior walls of the building. A basement shall be considered as one (1) story in determining the permissible number of stories.

Block – An area bounded by streets and alleys.

Board of Supervisors – The Board of Supervisors of District Township, Berks County, Pennsylvania.

Boarder, Roomer, or Lodger - A person occupying any room or group of rooms forming a single habitable unit used or intended to be used for living and sleeping, but not for cooking or eating purposes, and paying compensation for lodging or board and lodging by pre-arrangement for a week or more at a time to an owner or operator. Any person occupying such room or rooms and paying such compensation without pre-arrangement or for less than a week at a time shall be classified for purposes of this ordinance not as a roomer, boarder, or lodger, but as a guest of a commercial lodging establishment (motel or hotel).

Buffer Strip – A continuous strip of landscaped ground or land which is clear of all buildings and parking areas.

Building – Any combination of materials forming any structure which is erected, designed, intended, or arranged for the housing, sheltering, enclosure, or structural support of persons, animals, or property of any kind.

- (a) Detached – A building which has no parts or walls in common with an adjacent building.
- (b) Single-Family – A building arranged, designed or intended for and occupied exclusively by one family.

Building Accessory – A detached subordinate building, the use of which is customarily incidental and subordinate to that of the principal building and which is located on the same lot as that occupied by the principal building. No accessory building may be placed on a lot which does not contain a principal building.

Building Area – The total area taken on a horizontal plane at the main grade level of all primary and accessory buildings on a lot, exclusive of uncovered porches, terraces and steps.

Building Code Official – See Township Building Code Official

Building Coverage – The percentage as established in this Ordinance which when multiplied by the lot area will determine the permitted building area for all roofed structures and buildings located on the lot.

Building Height – The vertical distance measured from the average elevation of the finished grade at the two front corners of the building to the highest point of the roof. Chimneys, spires and other similar projections shall not be included in calculating the height of a building.

Building Length – The longest horizontal distance of any building measured from exterior face to exterior face of walls.

Building Setback Line or Front Yard Setback Line – A line defining the minimum required distance between any building or structure or portion thereof to be erected, or altered, and an adjacent street right-of-way line. Such line shall be parallel to said street right-of-way line.

Buildings, Farm – Buildings for agricultural uses, including but not limited to barns, poultry houses, corn cribs, silos, implement sheds and other similar farm structures but not including dwellings.

Bulk – A term used to describe the size, volume, area, or shape of buildings or other structures and their physical relationship to each other, to open space, or to tracts of land, to lot lines or to other buildings or structures.

Carport – A roofed-over structure open on at least two sides, used in conjunction with the dwelling for storage of private motor vehicles.

Cartway (Roadway) – The portion of a street right-of-way, paved or unpaved, intended for vehicular use.

Cellar - A story partly below the finished grade having at least one-half (1/2) of its height (measured from finished floor to finished ceiling) below the average level of the adjoining finished grade where such grade abuts the exterior walls of the building. A cellar shall not be considered a story in determining the permissible number of stories.

Centralized (or Community) Sewage Disposal – See Sanitary Sewage Disposal, Community.

Certificate of Use and Occupancy – A statement, based on an inspection, signed by the Zoning Officer, setting forth that a building, structure, sign, and/or land complies with the Township Zoning Ordinance, and/or that said item may be lawfully employed for a specific use, or both, as set forth therein.

Club or Lodge - A private organization which makes use of land and/or buildings, for social, philanthropic, recreational or conservation purposes.

Common Open Space - A parcel of land or water or combination of both located within a development site and designed and intended for use or enjoyment of residents of a planned development, meeting the following standards:

- (a) is designed, intended and suitable for active or passive recreation by residents of a development or the general public,
- (b) is covered by a system that ensures perpetual maintenance, if not intended to be publicly owned,
- (c) will be deeded to the Township and/or deed restricted to permanently prevent uses of land other than “common open space” and non-commercial recreation, and
- (d) does not use any of the following areas to meet minimum open space requirements:
 - (1) existing street rights-of-way,
 - (2) vehicle streets or driveways providing access to other lots,
 - (3) land beneath building(s) or land within 20 feet of a building (other than accessory buildings and pools clearly intended for noncommercial recreation,
 - (4) off-street parking (other than that clearly intended for noncommercial recreation),
 - (5) land that includes a stormwater detention basin, except for a basin or portions of a basin that the applicant proves to the satisfaction of the Township Supervisors would be reasonably safe and useful for active or passive recreation during the vast majority of weather conditions,
 - (6) portions of land that have a width of less than 20 feet.

Comprehensive Plan – Eastern Berks Joint Comprehensive Plan.

Conditional Use - A use which is not appropriate to a particular zoning district as a whole, but which may be suitable in certain localities within the district only when specific conditions and factors prescribed for such cases within this Ordinance are present. Conditional uses are allowed or denied by the Board of Supervisors after a public hearing and review and comments from the Planning Commission.

Condominium - Real estate, portions of which in accordance with the provisions of the Pennsylvania Uniform Condominium Act of 1980 as amended are designated for separate ownership and the remainder of which is designed for common ownership solely by the owners of those portions. Real estate is not a condominium unless the undivided interests in the common elements are vested in the unit owners.

Construction Site - That land area involving and reasonably necessary to perform work, store equipment, etc. necessary for the creation or erection of a structure.

County - The County of Berks, Commonwealth of Pennsylvania.

County Planning Commission – The Berks County Planning Commission.

Department of Environmental Protection - Commonwealth of Pennsylvania, Department of Environmental Protection, or such other agency as may replace the Department of Environmental Protection at some future time.

Developer – Any landowner, agent of such landowner, or tenant with the permission of such land-owner, who makes or causes to be made a subdivision of land or a land development.

Distance Between Buildings - This measurement shall be made at the closest point.

District - Those portions of the Township included in the same zoning classification and as such zones are described and located by the official Township Zoning map.

Dwelling - A building arranged, intended, designed, or used as the living quarters for one or more families living independently of each other upon the premises. The term “dwelling” shall not be deemed to include hotel, motel, nursing home, institutional residences, rooming house or tourist home.

Dwelling, Single Family Detached - A detached (separate) building designed for or occupied exclusively by one (1) family on an individual lot.

Dwelling Unit – One (1) or more rooms connected together, constituting a separate, independent housekeeping establishment for owner occupancy, or rental or lease on a weekly, monthly, or longer basis, and physically separated from any other rooms or dwelling units which may be in the same structure, and containing independent cooking and sleeping facilities for one (1) family.

Electric Transmission and Distribution Facilities - Electric public utility transmission distribution facilities including substations.

Essential Services - The erection, construction, alteration, or maintenance by public utilities or municipalities or other governmental agencies of underground or overhead gas, electric, steam or water transmission or distribution systems, collection, communication, supply, or disposal systems and their essential buildings, excluding communications towers and communications antennas as defined herein.

Family – (a) One or more persons, related by blood, marriage, adoption, or guardianship with not more than two (2) roomers, boarders, lodgers living together as a single housekeeping unit and using cooking facilities and certain rooms in common, or (b) not more than four (4) unrelated persons living together as a single housekeeping unit and using cooking facilities and certain rooms in common.

Farm – An area of land used for agricultural operations as defined in this ordinance.

Farming Resources – The animals, facilities and lands used for the production or raising of crops, livestock or poultry.

Felling – The act of cutting a standing tree so that it falls to the ground.

Fence - A barrier constructed of wood, metal, stone, chain link, or similar materials designed for the purpose of limiting or excluding access to a lot or for the purpose of screening a lot or portion thereof from the exterior of the lot.

Flag Lot – A lot wherein the sole means of access to a public street is by an access strip that does not meet required minimum lot width at the street and the main portions of which are separated from the street by another lot or tract.

Flood Plain – The low area adjoining and including any water or drainage course or body of water subject to periodic flooding or overflow. The limits of the flood plain shall be as mapped as part of the National Flood Insurance Program. In the absence of such maps, the flood plain shall be determined through analysis performed by the applicant unless the Township allows use of the mapping of alluvial soils as determined by the Soil Survey for Berks County, Pennsylvania.

Floor Area – Building – The sum of the gross horizontal areas of the floors of a building, excluding cellar and basement floor areas unless clearly and unequivocally tied to the living space. For purposes of this definition, basement or cellar areas used primarily for storage or equipment placement, etc. shall not be included. Floor area does include the area of roofed and enclosed porches and roofed terraces if they are of such construction as permits year round use and function. All dimensions shall be those as measured between exterior faces of walls in question.

Forestry - The management of forests and timberlands when practiced in accordance with accepted silvicultural principles, through developing, cultivating, harvesting, transporting and selling trees for commercial purposes, which does not involve any land development.

Garage, Private - An accessory building used for the storage of motor vehicles owned and operated by the owner or occupants of the premises, provided such does not include the storage of more than three commercial vehicles regardless of by whom owned.

Garage, Storage - Any accessory building used exclusively for the storage of motor vehicles not commonly operated, or the storage of other tangible items or articles.

Governing Body – Shall mean the Board of Supervisors of District Township, Berks County, Pennsylvania.

Grade, Finished - The completed surfaces of lawns, walks and roads brought to grades as shown on official plans of designs relating thereto.

Greenhouse – An enclosure made predominately of clear glass used for the cultivation or protection of plants.

Hazardous Waste - Hazardous Waste as defined in the Pennsylvania Solid Waste Management Act, as amended.

Heliport - A use of land designed or used for the taking-off and landing of helicopters.

Highway Access Point - The location or place of egress from or access to a street or highway created by driveway, or street or easement, or other road or highway.

Highway Frontage - The lot dimension measured along the right-of-way line of any one street or highway abutting a lot.

Home Business - a lawful occupation carried on within the boundary of a lot on which at least one of the owners of the business resides. The Home Business may be conducted within the dwelling and/or another structure located on the property but shall be clearly incidental and secondary to the use of the property for residential purposes. A Home Business allows activities within the dwelling or in an accessory building, and is intended to allow occupational and business activities of a slightly greater intensity than a Home Occupation. However, such activity must nevertheless be of such a nature and operated in such a manner as to still be consistent with the general residential character of the lot and the surrounding neighborhood. If properly screened, constructed and operated so not to interfere with the use and enjoyment of surrounding properties, activities such as beauty shops, repair shops, small volume retail that does not involve more than a few customers per day, antique dealers, sharpening services, blacksmithing, farrier, welding, furniture maker, furniture restoration, taxidermy, and similar non-intrusive business activities are examples of Home Businesses. However, all of the following activities are expressly excluded from the concept of Home Business: kennels; warehousing and storage businesses: wholesaling; distribution businesses; sales and/or repairs of automobiles, trucks, boats, trailers, recreational vehicles; car washes; transfer stations; public utilities; telecommunication facilities; convenience stores; gas stations; junkyards; adult bookstores; adult motion picture theatres; cabarets; self-storage facilities; landfills; hazardous waste facilities; methadone treatment facilities; bulk water extraction; mineral extraction; and buildings and uses accessory to any of these excluded uses.

Home Occupation – A lawful occupation for gain or support conducted entirely within a dwelling and carried on by persons resident therein, provided that the use is clearly incidental and secondary to the use of the dwelling for dwelling purposes and that the exterior of the structure or premises is constructed and maintained as a residential dwelling only. Examples of Home Occupation include but are not limited to music and voice lessons, tutoring, professional offices such as doctor, psychologist, lawyer, architect, accountant, insurance agent, real estate broker, computer programmer, tax collector, pet groomer, seamstress, recording studio, and similar activities. However, all of the following activities are expressly excluded from the concept of Home Occupation: kennels; warehousing and storage businesses: wholesaling; distribution businesses; sales and/or repairs of automobiles, trucks, boats, trailers, recreational vehicles; car washes; transfer stations; public utilities; telecommunication facilities; convenience stores; gas stations; junkyards; adult bookstores; adult motion picture theatres; cabarets; self-storage facilities; landfills; hazardous waste facilities; methadone treatment facilities; bulk water extraction; mineral extraction; and buildings and uses accessory to any of these excluded uses. No goods shall be publicly displayed outside, nor shall there be any activities associated with or as part of the Home Occupation conducted outside the footprint of the existing residence.

Hydric Soil - Soils developed under conditions sufficiently wet to support the growth and regeneration of hydrophytic vegetation and soils that are saturated, flooded, or ponded long enough during the growing season to develop anaerobic conditions (an anaerobic situation is one in which molecular oxygen is absent) in the upper part.

Criteria for identifying hydric soils include somewhat poorly drained soils that have water table less than 0.5 ft. from the surface for a significant period (usually a week or more) during the growing season; are poorly drained or very poorly drained and have either water table at less than 1.0 ft. from surface for a significant period during the growing season if permeability is equal to or greater than 6.0"/hr. in all areas within 20", or have water table at least 1.5 ft. from the surface for a significant period during the growing season if permeability is less than 6.0"/hr. in any layer within 20"; soils that are ponded for long duration (from 7 days to 1 month) or very long duration (greater than 1 month) during the growing season; or soils that are frequently flooded for long duration or very long duration during the growing season.

Impervious - Not easily penetrated by water (i.e., roads, buildings, sidewalks, access drives, loading areas, parking areas, and paved recreation courts).

Improvement – Includes but not limited to, grading, paving, curbing, street lights and signs, fire hydrants, water mains, sanitary sewer mains including laterals to the street right-of-way line, storm drains including all necessary structures, sidewalks, cross-walks, street trees, and monuments.

Intensive Agricultural Operation - Intensive agricultural operations shall consist of a normal agricultural operation that also meets the following:

Concentrated Animal Operation (CAO) Agricultural operations with eight or more animal equivalent units where the animal density exceeds two AEUs per acre on an annualized basis.

Greenhouse(s) An area of more than 50,000 square feet of greenhouse(s) whether or not for commercial purposes.

Mushroom Production - The growing of mushrooms whether or not for commercial purposes.

Junk Yard - A lot, land, structure or part thereof, used primarily for the collecting, storage and/or sale of waste paper, rags, scrap metal or other scrap or discarded material; or for the collecting, dismantling, storage or salvaging of machinery or vehicles not in running condition, and/or for the sale of parts thereof.

Landing - A place where logs, pulpwood, or firewood are temporarily assembled for transportation to processing facilities.

Landowner - The owner of a legal or equitable interest in land, including the holder of an option or contract to purchase (whether or not such option or contract is subject to any condition) or a lessee (if he is authorized under the lease to exercise the right of the landowner), or other person having a proprietary interest in land.

Landscaping - Changing, rearranging or adding to the vegetation or appearance of land to produce a visual, aesthetic or environmental effect appropriate to the use of land. Landscaping may include reshaping the land by moving earth, as well as preserving the original vegetation or adding vegetation.

Livestock - (i) Animals raised, stabled, fed or maintained on a agricultural operation with the purpose of generating income or providing work, recreation or transportation; (ii) Examples include: dairy cows, beef cattle, goats, sheep, swine and horses; (iii) The term does not include aquatic species and poultry.

Loading Space - A space, accessible from a street or driveway, in a building or on a lot, for the temporary use of vehicles while loading or unloading merchandise or materials.

Lop - To cut tops and slash into smaller pieces to allow material to settle close to the ground.

Lot - A designated parcel, tract or area of land established by a plat or otherwise as permitted by law and to be used, developed, or built upon as a unit.

Lot, Corner - A lot at the junction of and abutting on two or more intersecting streets, either public or private, or at the point of abrupt change in direction of a single street, the interior angle of which is not greater than 135 degrees.

Lot, Flag - A single lot that lacks the normal required lot width at the street, but which has an access strip leading from a public or private street to the main portion of the lot, and which has been specifically approved by the Board of Supervisors for single-family use. The minimum lot size and widths, building setback lines, and other applicable portions of the Township Zoning Ordinance shall be applicable to the main portion of the flag lot, excluding the access strip.

Lot, Interior - A lot other than a corner lot, the sides of which do not abut a street.

Lot, Through - An interior lot having frontage on two (2) parallel or approximately parallel streets.

Lot Area - The area of land contained within the limits of the property lines bounding that area. For determining compliance with minimum lot size requirements, the area of the lot shall exclude:

- (a) Areas within an existing or proposed, public or private, easement or right-of-way the terms or conditions of which restrict or limit the nature, dimensional characteristics, or intensity of development or development activities within the said easement or right-of-way; and
- (b) The access strip of a flag lot.

Lot Area, protected - The area of land contained within the property lines made up of certain natural resources as specifically described in Section 631 herein.

Lot Depth - A mean horizontal distance between the front and rear lot lines measured in the general direction of its side lot lines, measured from the street right-of-way line.

Lot Frontage - That portion of a block or lot which fronts on a street.

Lot Lines - Lines forming the front, rear and sides of a piece of property as described in the deed for said property.

- (a) Rear Lot Line - The lot line which is opposite and most distant from the front line. In the case of corner lots, the owner may, subject to the concurrence of the Zoning Officer, and for the purposes of the Zoning Ordinance, designate any lot line, other than one of the front lines, to be the rear lot line. The rear lot line of any irregular or triangularly shaped lot shall for the purposes of this Ordinance, be a line entirely within the lot, 10' long.

Lot of Record - A lot or parcel recorded in the office of the Recorder of Deeds of Berks County, Pennsylvania.

Lot Width - The distance between side lot lines which is parallel to the front lot line.

Manure Storage Facility - (i) A permanent structure or facility, or portion of a structure or facility, utilized for the primary purpose of containing manure. (ii) Examples include: liquid manure structures, manure storage ponds, component reception pits and transfer pipes, containment structures built under a confinement building, permanent stacking and composting facilities and manure treatment facilities. (iii) The term does not include the animal confinement areas of poultry houses, horse stalls, freestall barns or bedded pack animal housing systems.

Mature Tree - Any deciduous tree with a DBH greater than or equal to twelve inches (12") and any coniferous tree with a height greater than or equal to six feet (6').

Minimum Lot Size - A numerical expression of the smallest lot area in which a particular use shall be allowed. This standard shall be expressed in acres.

Mobile Home - A transportable, single family dwelling intended for permanent occupancy, contained in one unit, or in two or more units designed to be joined into one integral unit capable of again being separated for repeated towing, which arrives at a site complete and ready for occupancy except for minor and incidental unpacking and assembly operations. The construction and foundation of a mobile home shall comply with any applicable Federal, State, or Township standards and shall bear any required seal indicating compliance with those standards.

Municipal Use - A land use created and maintained by the Township and including such uses as library, park, playground, administrative or maintenance building or related storage areas.

Municipal/Private Waste - Any garbage, refuse, industrial lunchroom or office waste and other material including solid, liquid, semi-solid or contained gaseous material resulting from operation of residential, municipal, commercial or institutional establishments and community activities.

Municipality - Shall mean the Township of District, Berks County, Pennsylvania.

No-Impact Home-Based Business - A business or commercial activity administered or conducted as an accessory use which is clearly secondary to the use as a residential dwelling and which involves no customer, client or patient traffic, whether vehicular or pedestrian, pickup, delivery or removal functions to or from the premises, in excess of those normally associated with residential use. The business or commercial activity must satisfy the following requirements:

- (a) The business activity shall be compatible with the residential use of the property and surrounding residential uses.
- (b) The business shall employ no employees other than family members residing in the dwelling.
- (c) There shall be no display or sale of retail goods and no stockpiling or inventory of a substantial nature.
- (d) There shall be no outside appearance of a business use, including, but not limited to, parking, signs or lights.
- (e) The business activity may not use any equipment or process which creates noise, vibration, glare, fumes, odors or electrical or electronic interference, including interference with radio or television reception, which is detectable in the neighborhood.
- (f) The business activity may not generate any solid waste or sewage discharge, in volume or type, which is not normally associated with residential use in the neighborhood.
- (g) The business activity shall be conducted only within the dwelling and may not occupy more than 25% of the habitable floor area.
- (h) The business may not involve any illegal activity.
- (i) A Zoning Permit must be obtained from the Township.

Nonconforming Lot - A lot the area or dimension of which was lawful prior to the adoption or amendment of a zoning ordinance, but which fails to conform to the requirements of the zoning district in which it is located by reasons of such adoption or amendment.

Nonconforming Sign - A sign which does not conform to the regulations of the district in which it is located.

Nonconforming Structure - A structure or part of a structure manifestly not designed to comply with the applicable use or extent of use provisions in a zoning ordinance or amendment heretofore or hereafter enacted, where such structure lawfully existed prior to the enactment of such ordinance or amendment or prior to the application of such ordinance or amendment to its location by reason of annexation. Such nonconforming structures include, but are not limited to, nonconforming signs.

Nonconforming Use - A use, whether of land or of structure, which does not comply with the applicable use provisions in a zoning ordinance or amendment heretofore or hereafter enacted, where such use was lawfully in existence prior to the enactment of such ordinance or amendment, or prior to the application of such ordinance or amendment to its location by reason of annexation.

Normal Agricultural Operation The activities, practices, equipment and procedures that farmers adopt, use or engage in the production and preparation for market of poultry, livestock and their products and the production, harvesting and preparation for market or use of agricultural, agronomic, horticultural, silvicultural and aquacultural crops and commodities and is:

- (1) not less than ten contiguous acres in area; or
- (2) less than ten contiguous acres in area but has an anticipated yearly gross income of at least \$10,000.

The term includes new activities, practices, equipment and procedures consistent with technological development within the agricultural industry. Use of equipment shall include machinery designed and used for agricultural operations, including, but not limited to crop dryers, feed grinders, saw mills, hammer mills, refrigeration equipment, bins and related equipment used to store or prepare crops for marketing and those items of agricultural equipment and machinery defined by the act of December 12, 1994 (P.L. 944, No. 134), known as the Farm Safety and Occupational Health Act. Custom work shall be considered a normal farming practice.

Nursery - Any lot or parcel of land used to cultivate, propagate, and grow trees, shrubs, vines, and other plants including the buildings, structures, and equipment customarily incidental and accessory to the principal use.

Open Area - Land not covered by buildings and other impervious surfaces.

Open Space and Recreation Area

- (a) Subdivisions: Required ground surface upon which no dwelling or accessory uses thereto may be constructed and upon which no loading and parking areas are or shall be permitted. The area shall be available for the recreational use of all residents of the development in which it is located.
- (b) All Other: A tract of land acquired or owned by the Township, County, State or Federal government and made available to the public for recreational and/or amusement purposes.

Outdoor Wood-fired Boiler - (as defined by Pennsylvania Code)

- (a) A fuel-burning device that:
 - (1) Is designed to burn, or is capable of burning, clean wood or other fuels listed under PA Code §123.14(f)(relating to outdoor wood-fired boilers.
 - (2) Has a rated thermal output of less than 350,000 Btu per hour.
 - (3) The manufacturer designs or specifies for outdoor installation or installation in structures not normally intended for habitation by humans or domestic animals, including structures like garages and sheds.
 - (4) Heats building space or fluid, or both, through the distribution, typically through pipes, of a fluid heated in the device, typically water or a mixture of water and antifreeze.
- (b) The fuel-burning device may also be know as an:
 - (1) Outdoor wood-fired furnace
 - (2) Outdoor wood-burning appliance
 - (3) Outdoor hydronic heater.

Owner - That person, persons or entity in whom property is actually titled or by whom owned in the commonly used context of that term.

Owner, Equitable - That person, persons or entity in whom some legal rights of title and/or ownership, but not all, are vested. Includes person, persons or entities having a property under Agreement or similar contract of purchase or sale, as buyers and who has (have) certain rights thereto, e. g., right to conduct percolation tests, right to subdivide, etc.

Parent Tract - See Section 501.5.b.

Parking Lot - An off-street surfaced area designed solely for the parking of motor vehicles, including driveways, passageways, and maneuvering space appurtenant thereto.

Parking Space - A space or area on a lot of land used for the parking of a motor vehicle, the square foot area of which shall be not less than 200 and to which there is access from a public thoroughfare.

Party Wall - A wall used or adopted for joint service between two buildings.

Paving - Hard material such as concrete, asphalt, or brick, applied to a lot in order to smooth or firm the surface of the lot.

Permitted by Right Use - A use which does not require zoning approval by the Zoning Hearing Board or by the Township Supervisors before a zoning permit is granted by the Zoning Officer, although a site plan review or land development plan may be required.

Permitted Use - A use allowed in a particular Zoning District as established by this Ordinance.

Person - A term which shall be construed to include a firm, association, organization, partnership, trust company, corporation, individual or other entity.

Place of Worship - A building wherein persons assemble regularly for religious worship and that is used only for such purposes and for those accessory activities as are customarily associated therewith.

Planning Commission - The Planning Commission of District Township, Berks County, Pennsylvania.

Plat - A map or plan of a subdivision or land development, whether preliminary or final.

Pre-Commercial Timber Stand Improvement - A forest practice, such as thinning or pruning, which results in better growth, structure, species composition, or health for the residual stand but which does not yield a net income to the land owner, usually because any trees cut are of poor quality, too small or otherwise of limited marketability or value.

Premises - A descriptive word used to include all improvements, buildings, and land on or within a lot.

Principal Building - A building in which is conducted the principal use of the lot on which it is situated.

Property Line - A recorded boundary of a lot.

Public Notice - Notice published once each week for two successive weeks in a newspaper of general circulation in the Township. Such notice shall state the time and place of the hearing and the particular nature of the matter to be considered at the hearing. The first publication shall be not more than 30 days and the second publication shall be not fewer than seven days from the date of the hearing.

Public Road - A public thoroughfare, including a street, road, lane, alley, court, or similar terms, under the jurisdiction of the Township or State.

Recreational Vehicle - A vehicle designed to be self-propelled or towed, not designed for use as a permanent dwelling, but as a temporary living quarters for recreational, camping, travel, or seasonal use.

Retaining Wall - A wall over two (2) feet in height for holding in place a mass of earth, typically at the edge of an excavation.

Riding Stable - The commercial boarding or renting of horses.

Right-of-Way - The total width of any land reserved or dedicated as a street, alley, crosswalk, or for other public or semi-public purposes.

Riparian Buffers - Vegetated areas next to water resources that protect water resources from nonpoint source pollution and provide bank stabilization and aquatic and wildlife habitat.

Riparian Rights - Rights relating to the bank of a stream, lake or other water course.

Sanitary Landfill – A land site on which engineering principles are used to bury deposits of solid waste without creating public health or safety hazards, nuisances, pollution, or environmental degradation, in accordance with all State requirements.

Sanitary Sewerage System - An approved system of providing sanitary sewerage collection, treatment and disposal which is owned and/or operated by municipal authority, a municipal governing body, or such other association, group or private person as meets the necessary requirements laid down by law.

- (a) On-Site - Any structure or facility designed to biochemically treat sanitary sewage within the boundaries of an individual lot.
- (b) Community - A sanitary sewage collection system in which sewage is carried from individual lots by a system of pipes to a temporary central treatment and disposal plant, generally serving a neighborhood area.
- (c) Public - A sanitary sewage collection system in which sewage is carried from individual lots by a system of pipes to a central treatment and disposal plant.

Screening - Vegetative material, fence, etc. of sufficient height and density to screen the view, from adjoining areas, of the structures and uses on the premises upon which such screening is located.

Septic Tank - A covered watertight monolithic concrete settling tank in which raw sewage is biochemically changed into solid, liquid, and gaseous states to facilitate further treatment and final disposal.

Setback - The minimum required distance from a lot line to the part of the building nearest to such a lot line.

Sewage Enforcement Officer - The Township official who being certified by the State Board of Certification or Pennsylvania Department of Environmental Protection, issues and reviews permit applications and conducts such investigations, inspections and tests as are necessary to implement the Pennsylvania Sewage Facilities Act as amended, and the rules and regulations issued thereunder, and Township Ordinances.

Sign - Any advertisement, announcement, direction or communication produced in whole or in part by constructing, erecting, fixing or placing the structure on land or any other structure; or produced by pasting or otherwise placing any printed, lettered, pictured, figured or colored material on any building, structure or surface. Not including lettering or other identification which is an integral part of the architectural design of said building.

Single and Separate Ownership - The ownership of a lot by one or more persons, partnerships, or corporations, which ownership is separate and distinct from that of any adjoining lot.

Skidding - Dragging trees on the ground from the stump to the landing by any means.

Slash - Woody debris left in the woods after logging, including logs, chunks, bark, branches, uprooted stumps, and broken or uprooted trees or shrubs.

Slope - The change in vertical elevation over horizontal distance, expressed as a percentage.

Special Exception - Permission granted by the Zoning Hearing Board, with appropriate restrictions, to undertake certain activities specified in this Ordinance or to occupy or use land, buildings or structures for a specific purpose or in a certain manner specified in this Ordinance.

Stand - Any area of forest vegetation whose site conditions, past history, and current species composition are sufficiently uniform to be managed as a unit.

Storage Shed - An accessory building with four sides and a roof, for the storage of lawn, garden and swimming pool equipment or similar domestic items.

Story - That portion of a building included between the surface of any floor and the surface of the floor next above it, or if there be no floor above it, then the space between any floor and the ceiling next above it.

Story, Half - A story under a gable, hip or gambrel roof, the wall plates of which on at least two opposite exterior walls are not more than 2' above the floor of such story.

Stream - A water course, a channel or a ditch which is not artificially maintained and which contains surface water in its normal state, and whether or not it appears on the official zoning map of District Township.

Street - A public (dedicated) or private (undedicated) right-of-way, excluding driveways, intended for use as a means of vehicular and pedestrian circulation to provide access. The word "Street" includes thoroughfare, avenue, boulevard, court, drive, expressway, highway, lane, alley, service street, road or similar terms.

Street Centerline - The center of the surveyed street right-of-way, or, where not surveyed, the center of the traveled cartway.

Street Frontage - The lot dimension measured along the street line or right-of-way line of any one street or highway abutting a lot.

Street Line - The outside boundary of a public street, road, or highway right-of-way legally open or officially plotted by municipality or a higher governmental authority, or between a lot and a private street, road, or way over which the owners or tenants of two or more lots held in a single and separate ownership have the rights-of-way.

Structure - Any man-made object having an ascertainable stationary location on or in land or water, whether or not affixed to the land.

Subdivision - The division or redivision of a lot, tract, or parcel of land by any means into two (2) or more lots, tracts, parcels, or other divisions of land including changes in existing lot lines for the purposes, whether immediate or future, of lease, transfer of ownership, or building or lot development; provided, however, that the subdivision by lease of land for agricultural purposes into parcels of more than ten (10) acres, not involving any new street or easement of access or residential dwellings, shall be exempted.

Subdivision and Land Development Ordinance - The Subdivision and Land Development Ordinance of District Township, Berks County, Pennsylvania.

Surface Mining - The extraction of minerals from the earth, from waste or stockpiles or from pits or from banks by removing the strata or material that overlies or is above or between them or otherwise exposing and retrieving them from the surface, including, but not limited to, strip mining, auger mining, dredging, quarrying and leaching and all surface activity connected with surface or underground mining, including, but not limited to, exploration, site preparation, entry, tunnel, drift, slope, shaft and borehole drilling and construction and activities related thereto; but it does not include those mining operations carried out beneath the surface by means of shafts, tunnels or other underground mine openings.

Swimming Pool - Any permanent structure intended for swimming or recreational bathing that contains water over twenty four (24) inches deep.

Timber Harvesting, Tree Harvesting, or Logging - That part of forestry involving cutting down trees or removing logs from the forest for the purpose of sale or commercial processing into wood products.

Top - As applied in forestry, the upper portion of a felled tree that is not merchantable because of small size, taper, or defect.

Township - The Township of District, Berks County, Pennsylvania.

Township Building Code Official - The agent or official designated by the Board of Supervisors to administer and enforce the Township's adopted building code.

Township Planning Commission - The Planning Commission of District Township.

Township Supervisors - The Board of Supervisors of District Township.

Township Zoning Officer - The agent or official designated by the Board of Supervisors to administer and enforce the District Township Zoning Ordinance.

Trades Business - An activity for gain or support conducted by a person residing within a dwelling where the business owner's dwelling is used as a base of operations for office and related vehicle parking, but the actual business activity is conducted off-site.

Tree Farming - Activities related to growing and harvest of trees for ornamental purposes and/or bulk sale of evergreen trees (Christmas trees).

Use - The purpose for which land, structure, sign or building is arranged, designed or intended or which land, structure, sign or building is or may be used, occupied or maintained.

- (a) Principal Use - The main or primary purpose for which any land, structure, building and/or sign or use thereof is designed, arranged or intended, or for which they may be occupied or maintained under this Zoning Ordinance. All other structures, buildings, signs and/or uses on the same lot or incident or supplementary thereto and permitted under the Zoning Ordinance shall be considered accessory uses.
- (b) Accessory Use - A use customarily incidental and subordinate to the principal use of a building or structure or principal use of the land, or a use not a principal use.

Utility - Any utility coming under the jurisdiction of the Pennsylvania Public Utility Commission.

Variance - Relief from the strict compliance of the specifications and requirements of the Zoning Ordinance, as granted by the District Township Zoning Hearing Board.

Wall (Free Standing) - A barrier constructed of stone, brick, concrete, masonry, or similar materials designed for the purpose of limiting or excluding access to a lot or for the purpose of screening a lot or portion of a lot from the exterior of the lot.

Waterbody - A natural or artificial lake, pond, reservoir, swamp, marsh or wetland.

Watercourse - Any natural or artificial stream, river, creek, ditch, channel, canal, conduit, culvert, drain, waterway, gully, ravine or wash in which water flows in a definite direction or course, either continuously or intermittently, and has a definite channel, bed and banks.

Wetland - Those areas that are inundated and saturated by surface or groundwater at a frequency and duration sufficient to support, and that under normal circumstances do support, a prevalence of vegetation typically adapted for life in saturated soil conditions, including swamps, marshes, bogs, and similar areas.

Wildlife Sanctuary - Includes nature center, outdoor education laboratory, woodland preserve or arboretum.

Wireless Communications Related Terms - The following terms are defined for the purposes of Section 636 Wireless Communications Facilities:

- (a) Accessory Equipment – Any equipment serving or being used in conjunction with a Wireless Communications Facility or Wireless Support Structure. The term “Accessory Equipment” includes but is not limited to utility or transmission equipment, power supplies, generators, batteries, cables, equipment buildings, cabinets and storage sheds, shelters or similar structures.
- (b) Antenna – Any system of wires, rods, discs, panels, flat panels, dishes, whips, or other similar devices used for the transmission or reception of wireless signals. An Antenna may include an omnidirectional Antenna (rod), directional Antenna (panel), parabolic Antenna (disc) or any other wireless Antenna. An Antenna shall not include Tower-Based Wireless Communications Facilities as defined below.
- (c) Collocation – The mounting of one or more WCFs, including Antennae, on an existing Tower-Based WCF, or on any structure that already supports at least one Non-Tower WCF.
- (d) Distributed Antenna System (DAS) – Network of spatially separated Antenna sites connected to a common source that provides wireless service within a geographic area or structure.
- (e) Emergency – A condition that (1) constitutes a clear and immediate danger to the health, welfare, or safety of the public, or (2) has caused or is likely to cause facilities in the Rights-of-Way to be unusable and result in loss of the services provided.
- (f) Equipment Compound – An area surrounding or adjacent to a Wireless Support Structure within which base stations, power supplies, or Accessory Equipment are located.
- (g) FCC – Federal Communications Commission.
- (h) Height of a Tower-Based WCF – The vertical distance measured from the ground level, including any base pad, to the highest point on a Tower-Based WCF, including Antennae mounted on the tower and any other appurtenances.
- (i) Modification or Modify – The improvement, upgrade or expansion of existing Wireless Communications Facilities or base stations on an existing Wireless Support Structure or the improvement, upgrade, or expansion of the Wireless Communications Facilities located within an existing Equipment Compound, if the improvement, upgrade, expansion or Replacement does not Substantially Change the physical dimensions of the Wireless Support Structure.
- (j) Monopole – A WCF or site which consists of a single pole structure, designed and erected on the ground or on top of a structure, to support communications Antennae and connecting appurtenances.

- (k) Non-Tower Wireless Communications Facility (Non-Tower WCF) – Wireless Communications Facilities located or collocated on existing structures, such as, but not limited to buildings, water towers, electrical transmission towers, utility poles, light poles, traffic signal poles, flag poles and other similar structures that do not require the installation of a new tower. This term includes the Replacement of an existing structure with a similar structure that is required to support the weight of the proposed WCF.
- (l) Person – Individuals, corporations, companies, associations, joint stock companies, firms, partnerships, limited liability companies, corporations and other entities established pursuant to statutes of the Commonwealth of Pennsylvania, provided that “Person” does not include or apply to the Township, or to any department or agency of the Township.
- (m) Replacement – The Replacement of existing Wireless Communications Facilities on an existing Wireless Support Structure or within an existing Equipment Compound due to maintenance, repair or technological advancement with equipment composed of the same wind loading and structural loading that is substantially similar in size, weight and height as the Wireless Communications Facilities initially installed and that does not Substantially Change the physical dimensions of the existing Wireless Support Structure.
- (n) Stealth Technology – Camouflaging methods applied to Wireless Communications Facilities and Accessory Equipment which render them more visually appealing or blend the proposed facility into the existing structure or visual backdrop in such a manner as to render it minimally visible to the casual observer. Such methods include, but are not limited to, architecturally screened roof-mounted Antennae, building-mounted Antennae painted to match the existing structure and facilities constructed to resemble trees, shrubs, and light poles.
- (o) Substantially Change or Substantial Change – (1) Any increase in the height of a Wireless Support Structure by more than 10%, or by the height of one additional Antenna array with separation from the nearest existing Antenna not to exceed twenty (20) feet, whichever is greater, except that the mounting of the proposed Wireless Communications Facility may exceed the size limits set forth herein if necessary to avoid interference with existing Antennae; or (2) any further increase in the height of a Wireless Support Structure which has already been extended by more than 10% of its originally approved height or by the height of one additional Antenna array.
- (p) Tower-Based Wireless Communications Facility (Tower-Based WCF) – Any structure that is used for the primary purpose of supporting one or more Antennae, including, but not limited to, self-supporting lattice towers, guy towers and Monopoles.
- (q) WBCA – Pennsylvania Wireless Broadband Collocation Act (53 P.S. §11702.1 et. seq.)

- (r) Wireless – Transmissions through the airwaves including, but not limited to, infrared line of sight, cellular, PCS, microwave, satellite, or radio signals.
- (s) Wireless Communications Facility (WCF) – The Antennae, nodes, control boxes, towers, poles, conduits, ducts, pedestals, electronics and other equipment used for the purpose of transmitting, receiving, distributing, providing, or accommodating wireless communications services. Wireless Communications Facilities shall include Distributed Antenna Systems.
- (t) Wireless Communications Facility Applicant (WCF Applicant) – Any Person that applies for a Wireless Communications Facility building permit, zoning approval and/or permission to use the public Right-of-Way (ROW) or other Township owned land or property.
- (u) Wireless Support Structure – A freestanding structure, such as a Tower-Based Wireless Communications Facility or any other support structure that could support the placement or installation of a Wireless Communications Facility if approved by the Township.

Woodland - A tree mass or plant community in which tree species are dominant or co-dominant, the branches of the trees form a complete, or nearly complete, aerial canopy. For the purposes of this Ordinance, the extent of any woodland plant community or any part thereof shall be measured from the outer-most drip line of all the trees in the community. Woodland shall include any area where timber has been harvested within the previous three years and/or woodland disturbance has occurred within the previous three years which would have met the definition of woodland prior to timbering or disturbance. Woodlands do not include orchards.

Yard - A required open unoccupied space on the same lot with a building. The space shall be open and unobstructed from the ground upward, except as otherwise provided, and not less in depth or width than the minimum required in each zoning district.

- (a) Front - The required open space extending along the street line throughout the full width of a given lot exclusive of overhanging members and steps. The front yard shall be measured from the front line of the building and the street right-of-way line. Covered porches, whether enclosed or unenclosed, shall be considered as part of the main building and shall not project into a required front yard. (Also see Flag Lot)
- (b) Side - The required open space extending along the side line of a lot beginning at the front yard setback line and ending at the rear yard setback line and parallel to the side lot line.
- (c) Rear - The required open space extending along the rear line of the lot throughout the full width of the lot.

Zoning Hearing Board - District Township Zoning Hearing Board.

Zoning Map - The official Zoning Map of District Township, Berks County, PA.

Zoning Officer - See Township Zoning Officer.

Zoning Ordinance - District Township, Berks County, Zoning Ordinance.

ARTICLE IV
ZONING DISTRICTS

Section 400. TYPES OF ZONING DISTRICTS

District Township has undertaken Joint planning with Rockland Township and the Borough of Topton who each are participants in the “Eastern Berks Joint Comprehensive Plan”. As a result of this Joint planning and in accordance with the joint planning provisions of the Pennsylvania Municipalities Planning Code, District Township has been divided into the Following Zoning districts:

- C Conservation
- A-1 Agricultural

Section 401. ZONING MAP

1. The boundaries of the Zoning Districts shall be as shown on the Zoning Map of District Township. The Zoning Map and all notations, references, and data shown thereon are hereby incorporated by reference into this Ordinance.
2. If the Zoning Map is amended, an entry indicating the change and the date of the change shall be made on the map.
3. The Board of Supervisors shall keep the Zoning Map up to date and make copies available upon request, at a charge no great than the cost thereof.”

Section 402. DISTRICT BOUNDARIES - RULES FOR INTERPRETATION

Where uncertainty exists as to the boundaries of districts as shown on the Official Zoning Map, the following rules shall apply:

1. Where district boundaries are indicated as approximately coinciding with the center lines of streets or streams, such center lines shall be construed to be such boundaries.
2. Where district boundaries are indicated as approximately coinciding with lot lines or right-of-way lines, such lot lines or right-of-way lines shall be construed to be such boundaries.
3. Where district boundaries are indicated as being approximately parallel to the right-of-way lines of streets or streams, such district boundaries shall be construed as being parallel to the right-of-way lines or stream at such distance as is indicated on the Official Zoning Map. Distances not specifically indicated on the Official Zoning Map shall be determined by the scale of the map.
4. Where district boundaries are indicated as being approximately perpendicular to the right-of-way lines of streets or streams, such district boundaries shall be construed as being perpendicular to the right-of-way lines or stream.

5. Boundaries indicated as approximately following municipal limits shall be construed as following such limits.
6. Boundaries indicated as extensions of features indicated in Sections 1 through 5 above shall be so construed.
7. Where physical or contour features existing on the ground are at variance with those shown on the Official Zoning Map, or in other circumstances not covered by Sections 1 through 6 above, the Zoning Officer shall interpret the district boundaries.
8. Where setback, screening, or buffering requirements from zoning districts are imposed, zoning districts in adjacent municipalities shall be considered in addition to those in District Township.
9. Where a district boundary line divides a lot which was in single ownership at the effective date of this Ordinance, when permitted as a Special Exception by the Zoning Hearing Board, the regulations of either zoning district may be extended a distance of not more than fifty feet beyond the district boundary line into the remaining portion of the lot.

Section 403. APPLICATION OF DISTRICT REGULATIONS

1. Except as hereafter provided in this Ordinance, no building, structure, or land shall be used or occupied and no building, structure, or part thereof shall be erected, constructed, assembled, moved, enlarged, reconstructed, removed, or structurally altered without the issuance of a Permit by the Zoning Officer.

Compliance with this Ordinance in no way relieves responsibility of complying with other Township Ordinances.

2. No part of a yard, common open space, other open space, or off-street parking or loading space required in connection with one structure, building, or use of the land shall be included as part of a yard, common open space, open space, or off-street parking or loading space similarly required for any other structure, building or use of the land, except as permitted or required by this Ordinance or other Township Ordinance or regulations.
3. No yard or lot existing at the time of passage of this Ordinance which meets the requirements of this Ordinance shall be reduced in dimension or area below the minimum requirements set forth in this Ordinance, except as may be required in connection with the widening of a public right-of-way by the Township. A yard or lot existing at the time of passage of this Ordinance shall not be further reduced below the minimum requirements of this Ordinance.
4. Where district regulations specify a minimum lot width at the street line, the minimum lot width shall be provided contiguous along the street line of one street. It is prohibited, when calculating the width of a lot, to add widths along the street lines of two or more streets. In the case of a corner lot, the minimum lot width must be provided along the street line of one street, but does not have to be provided along the street line of each street on which the lot fronts, unless otherwise required by this Ordinance.

5. Where district regulations specify a minimum lot width at the building setback line, the minimum lot width shall be provided contiguous along the building setback line established from one street. It is prohibited, when calculating the width of a lot, to add widths along the building setback lines established from two or more streets. In the case of a corner lot, the minimum lot width must be provided along the building setback line established from one street, but does not have to be provided along the building setback line established from each street on which the lot fronts, unless otherwise required by this Ordinance.
6. In the case of a lot of irregular shape in which a portion of the lot abuts a street and a portion not abutting a street abuts the rear yards of lots which have frontage on the same street as does the irregularly shaped lot, on the irregularly shaped lot a building setback line shall be established from the abutting rear yards. As a minimum, the building setback requirements of the applicable zoning district shall be used in establishing such building setback line.
7. When minimum requirements are established for lot size and/or common open space, such minimum requirements shall be met within District Township.
8. When calculating the permissible number of dwelling units within a subdivision or land development in District Township, only land located within District Township shall be used.
9. The minimum lot width at the building setback line established in the Area, Height and Yard Regulations of the Zoning Districts listed in this Zoning Ordinance shall be measured at the minimum building setback established in said Area, Height, and Yard Regulations.
10. Steps within yards for the purpose of walking from one level of the yard to another may be located anywhere within yards.
11. The measurement of building length shall be made along one building wall, in one general direction.
12. All territory which may hereafter be annexed to the Township in the future shall be considered a C District until otherwise classified.
13. Buildings, structures, and uses owned or occupied by District Township are not subject to the regulations of this Ordinance regarding area, yard, height, building coverage or lot coverage.

The use of land by District Township is not subject to the regulations of this Ordinance.

14. Association documents required by the Planned Unit Development Act shall be submitted to the Township for review.

ARTICLE V
DISTRICT REGULATIONS

Section 500. C - CONSERVATION DISTRICT

As stated in the Eastern Berks Joint Comprehensive Plan, District Township is blessed with great natural diversity in its landscape. Much of this landscape takes the form of rocky and wooded hillsides and ridges that are difficult to develop yet offer protection of surface water quality. At the same time these areas present significant natural habitats and passive recreation opportunities. Other lower-lying areas contain valuable wetlands and sensitive floodplains; these areas, too, hold the same value.

The Conservation District is intended to protect natural, scenic, and historic values in the environment and preserve forests, wetlands, aquifers and floodplains pursuant to Section 604.(1) of the Municipalities Planning Code. In accordance with the Eastern Berks Joint Comprehensive Plan, only a very low density of development is permitted in this zoning district.

1. Permitted Uses

Land and buildings in the Conservation District shall be used only for one of the following purposes, and no other.

- a. Forestry and tree farming, subject to Section 627 of this Ordinance.
- b. Normal Agricultural Operations subject to the applicable requirements of Section 619 of this Ordinance.
- c. Single family detached dwelling.
- d. Woodland or game preserve or similar wildlife preservation or conservation use.
- e. Municipal use.
- f. No-Impact Home-Based Business.
- g. Home occupation, subject to Section 616 of this Ordinance.
- h. Non-Tower WCF that do not Substantially Change the Physical Dimensions of the Wireless Support Structure to which they are attached, and/or fall under the Pennsylvania Wireless Broadband Collocation Act, in accordance with Section 636.
- i. Accessory buildings and uses clearly incidental to the principal use of the above permitted uses when located on the same lot including small scale livestock activities subject to the applicable requirements of Section 633 of this Ordinance.

2. Special Exception Uses

The following uses are permitted when Special Exceptions are granted by the Zoning Hearing Board pursuant to Section 902 of this Ordinance.

- a. Park, playground or similar non-commercial recreational area operated by public or private non-profit agency.
- b. Places of worship.
- c. Riding academies and boarding stables.
- d. Fraternal, sporting or other non-commercial lodges or clubs.
- e. Bed and Breakfast Inn.
- f. Tower-Based Wireless Communications Facilities, in accordance with the requirements of Section 636.
- g. Non-Tower WCF that do Substantially Change the Wireless Support Structure to which they are attached, or that otherwise do not fall under the Pennsylvania Wireless Broadband Collocation Act, in accordance with the requirements of Section 636.
- h. Accessory buildings and uses clearly incidental to the principal use of the above-permitted special exception uses when located on the same lot.
- i. Home Business Subject to Section 616(b) of this Ordinance.

3. Conditional Uses

The following uses are permitted when a Conditional Use is approved by the Board of Supervisors pursuant to Section 810 of this Ordinance.

- a. Trades business, subject to Section 604 of this Ordinance.

4. Area, Height, and Yard Regulations

- a. All buildings or structures erected or altered for any use within this C – Conservation District shall conform to the provisions of this ordinance and to any other applicable ordinances. Determination of conformance shall be made by the Zoning Officer, subject to review by the Zoning Hearing Board upon appeal by an aggrieved party.

b. Minimum and Maximum Regulations

(See also Section 631, Determination of Density for Parcels Containing Protected Areas)

	<u>Single Family Detached Dwellings</u>	<u>All Others</u>	<u>Normal Agricultural Operations ***</u>
Building Coverage (Maximum)	10%	15%	15%
Building Height (Maximum)	35'	35'	70'
Number of Lots (Maximum)	see Section 631*	see Section 631*	see Section 631*
Lot Size (Minimum)	3 Acres	3 Acres	10 Acres
Lot Width at Street (Minimum) **	100'	150'	250'
Lot Width at Building Setback Line (Minimum)	250'	200'	400'
Lot Depth (Minimum)	200'	200'	400'
Open Area (Minimum)	85%	80%	80%
Front Yard Setback (Minimum)	60'	100'	100'
Rear Yard Setback (Minimum)	60'	75'	100'
Side Yard (Minimum)	35'	35'	100'
Minimum Width at Rear Yard Building Setback Line	150'	200'	400'

* Section 631, Maximum Number of Lots Determination

** Flag lots are allowed pursuant to all applicable regulations in Section 634 herein.

*** Other regulations apply. See Section 619 herein.

5. Road Front Lots

No more than five (5) lots using existing road frontage for access shall be allowed in any tract area. In order to discourage strip development along existing roads, which has been the most common approach to new housing in the Township for many years, future development will be limited to five (5) road-front lots in any Tract Area, regardless of size. A flag lot with access to an existing road is considered a road-front lot. If a Tract Area is divided by conveyance of a part thereof, the Grantor may allocate the right to develop the permitted road front lots in the deed. If no such allocation is made, the Township will apportion road front lots between the Tracts if, as, and when a subdivision or land development plan is submitted, in such manner as the Township deems advisable, considering the features of the particular Tract Area.

Section 501. A-1 AGRICULTURAL DISTRICT

In the interest of public health, safety, and welfare, the A-1 Agricultural District is designed and intended to accomplish the following:

- Protect and stabilize agriculture in areas of productive soils as an on-going, viable, major component of the economy of the Township.
- Encourage the preservation of the most productive farmland within the Township as a valuable resource which is lost and not reclaimable once it is developed for any purpose other than agriculture by limiting uses within the Agricultural District, insuring that farms remain of sufficient size to be profitable for farming by limiting the number of lots which may be created, limiting the maximum size of residential lots, and imposing a minimum lot size on farms to be created which is sufficient to insure viability.
- Prevent adverse effects resulting from the encroachment and mixing of residential and other incompatible development, with agricultural uses.
- Provide maximum protection to existing and future agricultural enterprises as a natural and national economic resource.
- To implement the requirement of Section 604(3) of the Municipalities Planning Code that zoning ordinances shall be designed to preserve prime agricultural land.

1. Permitted Uses

Land and buildings in an A-1 Agricultural District shall be used only for one of the following purposes, and no other.

- a. Normal Agricultural Operations subject to the applicable requirements of Section 619 of this Ordinance.
- b. Forestry and Tree Farming, subject to Section 627 of this Ordinance.
- c. Single family detached dwellings on a lot of record held in single and separate ownership on the effective date of this Section which is not presently improved with a single family detached dwelling or other principal non-agricultural building.
- d. Single family detached dwellings on a lot created after the effective date of this Section subject to the limitation on subdivision of lots in Section 501.5 of this Ordinance.
- e. Temporary portable structures for the retail sale of agricultural products such as vegetables, fruits and eggs.
- f. Nurseries and greenhouses without retail sales.

- g. Woodland or Game Preserve or similar wildlife preservation or conservation use.
- h. Municipal use.
- i. No-Impact Home-Based Business.
- j. Home occupation, subject to Section 616 of this Ordinance.
- k. Non-Tower WCF that do not Substantially Change the Physical Dimensions of the Wireless Support Structure to which they are attached, and/or fall under the Pennsylvania Wireless Broadband Collocation Act, in accordance with Section 636.
- l. Accessory buildings and uses clearly incidental to the principal use of the above permitted uses (including small scale livestock activities subject to the applicable requirements of Section 633) when the accessory building and/or use is located on the same lot and the accessory building and/or use does not include any activity conducted as a non-agriculturally related business.

2. Special Exception Uses

The following uses are permitted when Special Exceptions are granted by the Zoning Hearing Board pursuant to Section 902 of this Ordinance.

- a. Intensive Agricultural Operations subject to the applicable requirements of Section 619 of this Ordinance.
- b. Farm occupations, subject to Section 501.6 of this Ordinance.
- c. Riding academics and boarding stables.
- d. Places of worship.
- e. Fraternal, sporting or other lodges or clubs.
- f. Home Business Subject to Section 616(b) of this Ordinance
- g. Tower-Based Wireless Communications Facilities, in accordance with the requirements of Section 636.
- h. Non-Tower WCF that do Substantially Change the Wireless Support Structure to which they are attached, or that otherwise do not fall under the Pennsylvania Wireless Broadband Collocation Act, in accordance with the requirements of Section 636.

3. Conditional Uses

The following uses are permitted when a Conditional Use is approved by the Board of Supervisors pursuant to Section 810 of this Ordinance.

- a. Trades business, subject to Section 604 of this Ordinance.

4. Area, Height and Yard Regulations

- a. All buildings or structures erected or altered for any use within this A-1 Agricultural District shall conform to the provisions of this ordinance and to any other applicable ordinances. Determination of conformance shall be made by the Zoning Officer, subject to review by the Zoning Hearing Board upon appeal by an aggrieved party.

- b. Minimum and Maximum Regulations

	<u>Single Family Detached Dwellings</u>	<u>All Others</u>	<u>Agricultural Operations</u> **
Building Coverage (Maximum)	10%	15%	20%
Building Height (Maximum)	35'	35'	70'
Lot Size	Minimum – 1 Acre Maximum – 3 Acres	3 Acres Minimum	10 acres Minimum
Lot Width at Street (Minimum)*	100'	150'	250'
Lot Width at Building Setback Line (Minimum)	100'	250'	400'
Lot Depth (Minimum)	100'	200'	400'
Open Area (Minimum)	80%	80%	75%
Front Yard Setback (Minimum)	50'	100'	100'
Rear Yard Setback (Minimum)	50'	75'	100'
Side Yard (Minimum)	25'	25'	100'
Minimum Width at Rear Yard Building Setback Line	100'	150'	400'

* Flag lots are allowed pursuant to all applicable regulations in Section 634 herein.

** Other regulations apply. See Section 619 herein.

5. Limitations on Subdivision

It is the intent of the Supervisors to preserve and protect agriculture and to preserve prime agricultural soils through limitations on subdivision.

- a. The number of lots permitted for each parent tract shall be limited according to its existing size as follows:

Parent Tract Size In Acres	Number of Lots Permitted to be Subdivided
At least 2 but less than 25	1
At least 25 but less than 50	2
At least 50 but less than 75	3
At least 75 but less than 100	4
At least 100 but less than 125	5
At least 125 but less than 150	6
At least 150 but less than 175	7
At least 175 but less than 200	8
At least 200 but less than 225	9
At least 225 but less than 250	10

- b. For the purposes of this section, parent tract shall be defined as follows: the size of the parent tract shall be the acres held in single and separate ownership in the A-1 Agricultural District on February 21, 2008 (the effective date of the Ordinance when this Section was originally established). If the parent tract was not in the A-1 Agricultural District on that date then it shall be the existing size when such land was first included in the A-1 Agricultural District.
- c. The number of lots shall not be increased by the subdivision of such parent tract. Any subsequent owner of a parent tract or land remaining in a parent tract after subdivision shall be bound by the actions of his predecessor.
- d. No subdivision shall be permitted which shall increase the lot size of a lot of record used or to be used for residential purposes in excess of the maximum lot size as set forth herein.
- e. Any lot which is less than ten (10) acres in size shall be considered to be used for residential purposes (see also the definition of Normal Agricultural Operation).
- f. Exemptions from limitation on subdivision of land. The following types of subdivisions shall not be counted against the subdivision/land development quota established by Section 501.5.a:

- (1) A subdivision, the sole purpose of which is to transfer land to increase the size of a tract being used for agricultural purposes, where both the parent tract from which the land is taken and the parent tract to which the land is added will be ten (10) acres or greater after such subdivision.
 - (2) A subdivision to create a lot which will be transferred to the Township or a municipal authority created by the Township.
 - (3) A subdivision, the sole purpose of which is to transfer not more than one half (0.5) acres of land to increase the size of an existing residential lot.
- g. Any subdivision hereafter filed with the applicable approving body for subdivision of land in the A-1 Agricultural District shall specify on the recorded plan which lot or lots shall carry a right of further subdivision or erection of single family dwellings or other principal non-agricultural buildings, if any such right remains from the quota allocated to the parent tract. The right of further subdivision or a statement that no further subdivision is permissible shall also be included in the deed(s) to the newly-created lot(s). If the designation of the right of further subdivision was not included on a subdivision plan of a parent tract, it shall be conclusively presumed that the largest lot remaining after subdivision shall carry the right of further subdivision.

6. Farm Occupations

Within the A-1 Agricultural District farm occupations may be permitted by special exception if the proposed use is accessory to the principal agricultural use of the property, and subject to the following standards:

- a. For the purposes of this section, farm occupations may involve any one of a wide range of uses, so long as it remains secondary to and compatible with the active farm use.
- b. No more than the equivalent of two (2) nonresidents shall be employed by the farm occupation, and at least one (1) owner of the farm occupation must reside on the site.
- c. The use must be conducted within one (1) completely enclosed building. Where practicable the farm occupation shall be conducted within an existing farm building.

However, any new building constructed for use by the farm occupation shall be located behind the farm's principal buildings, or must be no less than one hundred (100) feet from any adjoining roads or properties.

- d. All parking and loading areas shall be screened from adjoining roads and properties.

- e. Any new building constructed for use by the farm occupation shall be of a design so that it can be readily converted to agricultural use, or removed, if the farm occupation is discontinued.
- f. No part of a farm occupation shall be located within one hundred (100) feet of any side or rear lot line, nor three hundred (300) feet of any land within a residential zone. Such distances shall be measured as a straight line between the closest points of any physical improvement associated with the farm occupation and the property/zoning line.
- g. The applicant shall delineate the area devoted to the farm occupation which shall not exceed one (1) acre of lot area. Any access drive serving the farm occupation and the farm, shall not be calculated as land serving the farm occupation.

No more than fifty percent (50%) of the land devoted to a farm occupation shall be covered by buildings, structures, parking or loading areas, or any other impervious surfaces and the farm occupation shall occupy no more than four (4000) thousand square feet of gross floor area.

- h. Any sign used for a farm occupation shall not exceed ten (10) square feet in size.

ARTICLE VI

GENERAL REGULATIONS

Section 600. INTENT

This Article lists specific controls over certain aspects of land utilization. These controls are important to the accomplishment of the purposes of this Zoning Ordinance and shall be strictly applied.

Section 601. CONDUCT OF AGRICULTURAL ACTIVITIES

Agricultural activities permitted to be conducted within the Township by this Ordinance may be conducted even though those activities may create an annoyance or inconvenience to neighboring residential uses due to sights, sounds, smells or other conditions resulting from the agricultural activities, provided that the agricultural activities are conducted in accordance with any and all regulations of the Township, this Ordinance, and the State and are not conducted in a manner which creates a definite danger to the health or safety of neighboring uses.

Section 602. HAZARDOUS WASTE AND NUISANCE

No building may be erected, altered, or used and no lot or premises may be used for the storage or disposal of hazardous waste or any activity which is noxious, injurious, or offensive by reason of dust, smoke, odor, fumes, noise, vibration, gas, illumination, or similar substances or conditions.

Section 603. ACCESS TO STRUCTURES

Every building erected or moved shall be on a lot adjacent to a public street or an approved private street. All structures shall be located on lots as to provide safe and convenient access for servicing, fire protection, and required off-street parking.

Section 604. TRADES BUSINESS

1. A trades business is permitted in conjunction with single-family detached dwellings only.
2. Trades businesses include but are not limited to masons, carpenters, plumbers, painters, electricians, and roofers. Such businesses shall not include excavating contractors, landscapers or similar uses that involve heavy equipment or a large number of vehicles.
3. Routine parking of not more than three vehicles used commercially with not more than four wheels each, which are used regularly or frequently for business purposes shall be permitted.

4. No manufacturing, assembling, processing, or product sales shall be permitted on the property.
5. No outside area shall be used for storage of business related materials and equipment, other than the three vehicles allowed in subsection 3. above. In addition to the business office/space allowed within the dwelling in subsection 4. above, an area within one (1) detached structure may be used for business uses, provided that space does not exceed 1000 square feet of gross floor area. Such area in a detached structure shall house only those materials and equipment normally associated with the specific trades business.
6. Trades business shall comply with all applicable provisions of Article VI for commercial operations and prior to any such use being established in the Township a land development plan shall be submitted for review and approval in accordance with the Subdivision and Land Development Ordinance, unless the requirement of the plan is waived by the Township.

Section 605. USE REGULATIONS - GENERAL

1. No structure shall be located within any required front, side or rear yard required by this Ordinance.
2. No activities shall be permitted which create a public nuisance or interfere with the use of adjacent residential lots.
3. Accessory uses include, but are not limited to, animal shelters, detached garages, swimming pools, greenhouses and tennis courts.
4. Swimming Pool
 - a. No swimming pool of a type referred to in this Ordinance, shall be constructed or installed until an appropriate permit has been obtained from the Township Zoning Officer.
 - b. No swimming pool of a type referred to in this Ordinance, shall be constructed within front, side or rear yard setback lines.
5. Residential Accessory Structures - No residential accessory structure shall be of such dimensions such that it exceeds 2,000 square feet.
6. Storage Areas for Commercial and Industrial Uses - All such facilities shall be located in an area which has direct access to a street or driveway.
7. Only one principal use shall be permitted per lot.

Section 606. HIGHWAY FRONTAGE DEVELOPMENT FOR COMMERCIAL AND INDUSTRIAL USES

1. All areas for off-street parking, off-street unloading and loading, and the storage or movement of motor vehicles shall be physically separated from the public street or highway by a raised curb, planting strip, or other suitable barrier against unchanneled motor vehicle entrance or exit, except for necessary accessways or access roads which supply entrance to and egress from such parking, loading, or storage area.
2. Each use with less than 100 feet of frontage on a public street shall have not more than one accessway to each such street. No use with 100 feet or more frontage on a public street shall have more than two accessways to any one street for each 300 feet of frontage. Where practicable, movement into and out of parking areas shall avoid direct access to or from a major collector.
3. Where there is more than one driveway to a parking area, the driveways, whenever possible, shall be limited to one-way travel either as an entrance to or an exit from the parking area. The width of such entrances and exits measured at the street property line shall conform to the following schedule:

	<u>Width in Feet</u>	
	<u>Minimum</u>	<u>Maximum</u>
One way	12	26
Two way	24	36

- a. Each lane provided shall be a minimum of twelve feet (12') in width.
 - b. In all cases the radius of the edge of the driveway apron shall be at least fifteen (15) feet and no more than fifty feet (50').
4. The location and width of exit and entrance driveways shall be planned to interfere as little as possible with the use of adjacent property and with pedestrian and vehicular traffic on adjacent streets, The center line of the access driveway to any public street shall be located at least 75 feet from the intersection of any street lines.

Section 607. LIGHTING

For all property that is illuminated, such illumination shall be designed and located so that the light sources are shielded from adjoining residences and streets by means of glare shields, globes, shades, etc., or by aiming the source of light directly to the ground. No direct beams of light shall be directed toward adjacent properties or toward public roads, except from street lights intended for the lighting of streets, the location of which have been approved by the Township and the appropriate utility company. The intensity of illumination projected onto any property from another property shall not exceed 0.1 vertical foot candle measured at thirty inches (30") above the ground at the property line.

Section 608. SIGNS

Signs may be erected and maintained only when in compliance with the provisions of this Ordinance and all other Ordinances and Regulations relating to the erection, alteration, or maintenance of signs.

1. General

- a. Signs shall not contain moving parts nor use flashing or intermittent illumination. The source of light shall be steady and stationary.
- b. No sign shall be placed in such a position, or have such a source of illumination, that it will cause any danger to pedestrians or vehicular traffic.
- c. No sign other than official traffic signs shall be erected within the right-of-way lines of any street.
- d. Every sign must be constructed of durable material and be kept in good condition. Any sign which is allowed to become dilapidated shall be removed at the expense of the owner or lessee. The Township Zoning Officer shall make such determination as to state of repair.
- e. No sign shall cast objectionable light upon any activity or building beyond the property lines of the property on which it is located.
- f. The distance from the ground to the highest part of any sign shall not exceed ten feet.
- g. No sign shall be erected or located as to prevent free ingress to or egress from any window, door, or fire escape.
- h. No sign except trespassing signs and signs indicating the private nature of premises shall be located on or derive substantial support from any living tree, bush or shrub.
- i. No sign shall be located within twenty-five feet from the center line of any road.
- j. The following are prohibited in all zoning districts:
 - (1) A truck, trailer, or other vehicle shall not be parked for use as a sign or as the structure used to support a sign except currently licensed and registered vehicles containing lettering or signage which are regularly used in a business lawfully conducted on the same property and used for normal day to day operations and regularly driven and/or moved on a frequent or daily basis.

- (2) An outdoor electronic changeable copy or animated sign. This includes signs, or portions thereof, where the informational content, display or copy can be changed or altered by electronic means. This type of sign includes: but is not limited to, electronic message boards; video screens; light emitting screens; other types of electronic display boards and screens; flatpanel screens; lasers; holograms; and holographic displays. This does not include changeable signs used for public traffic control and safety.

2. Permitted Signs

- a. Official traffic signs.
- b. Identification signs or bulletin or announcement boards for schools, churches, or similar institutions, and for clubs, lodges, farms, estates, or similar uses, provided that:
 - (1) No more than two such signs shall be erected on any frontage of any one property.
 - (2) The area on one side of any such sign shall not exceed twelve square feet.
- c. Professional, home occupation, or name sign indicating the name or profession of the occupant of a dwelling, provided:
 - (1) One side of any such sign shall not exceed two square feet.
 - (2) One such sign shall be permitted for each permitted use or dwelling.
 - (3) Signs indicating a permitted non-residential use may be erected on the property where that use exists.
- d. Real estate signs, including signs advertising the rental or sale of premises, provided that:
 - (1) The area on any one side of any such sign shall not exceed twelve square feet.
 - (2) A sign shall be located on the property to which it refers.
 - (3) Not more than one such sign shall be placed on any one street frontage.
- e. Temporary signs of contractors, architects, and the like, provided that:
 - (1) Such signs shall be removed promptly upon completion of the work.
 - (2) The area of such signs shall not exceed twelve square feet.
 - (3) Such signs shall be located on the property on which the work is being done.

- f. Signs advertising a lawful non-conforming use, provided that:
 - (1) The area on one side of such sign shall not exceed twelve square feet.
 - (2) The sign shall be erected only on the premises on which such non-conforming use is located.
 - (3) No more than one such sign shall be erected on any one street frontage.
- g. Signs necessary for the identification and protection of public utility facilities, provided that the area of one side of such sign shall not exceed four square feet.
- h. A sign advertising the sale of farm products, nursery products, or livestock produced or raised on the premises, provided:
 - (1) The areas on one side of any such sign shall not exceed twelve square feet.
 - (2) Not more than one such sign shall be erected on any one street frontage.
- i. Signs within a residential subdivision to direct persons to a rental office or sample unit within that subdivision provided that the area on one side of any such sign shall not exceed two square feet.
- j. Trespassing signs and signs indicating the private nature of premises. The area of any one side of such signs shall not exceed two square feet and the signs shall be placed at intervals of not less than one hundred feet along any street frontage.

3. Signs Permitted for Permitted Commercial and Industrial Uses

Signs may be erected and maintained, provided that:

- a. No sign advertising a use not conducted or goods not sold on the premises shall be permitted.
- b. No sign shall be readable from the rear or side of any property.
- c. The total area on one side of all signs placed on or facing any one street frontage of any one premises shall not exceed 100 square feet except in the case of a building housing more than one commercial or industrial use.
- d. Where a single building or related cluster of buildings houses more than one such commercial or industrial use, a single signboard shall be erected, and in separate spaces thereon, such individual uses as may be housed therein shall be noted and advertised if the owners or managers thereof so desire. Such signboard shall not exceed 150 square feet in area, and shall otherwise conform to the provisions of this Ordinance.
- e. No more than one sign shall be located within ten feet of the front lot line.

- f. No more than one free standing sign shall be allowed on any one property.

Section 609. OFF-STREET PARKING

Off-street parking facilities shall be provided whenever:

- a building is constructed or a new use established.
 - the use of an existing building is changed to a use requiring more parking facilities.
 - an existing building is altered so as to increase the amount of parking space required.
1. Each parking space shall have a minimum area of 200 square feet and minimum dimensions of ten feet (10') by twenty feet (20'). In addition, appropriate driveways, aisles, and maneuvering space shall be provided to permit safe and convenient access to and use of the area provided for parking purposes. Proper access from a street, alley, or driveway shall be provided.
 2. Parking spaces for residential uses shall be located on the same lot as the use served and shall be located behind the street right-of-way line. Parking spaces for other uses shall be provided for on the same lot as the use being served or in parking facilities within 300 feet of the use.
 3. Joint parking facilities for two or more uses may be established, provided that the number of spaces provided is not less than the sum of the spaces required for each individual use.
 4. All parking spaces and means of access, other than those relating to a dwelling, shall be adequately illuminated during night hours of use. The illumination must be designed and located so that the light sources are shielded from adjoining residences and public and private streets. The illumination shall not be of excessive brightness and shall not produce a glare noxious at or beyond the boundaries of the parking area.
 5. All parking areas serving commercial and industrial uses and common parking areas for apartments and townhouses shall be paved and shall be graded to provide convenient vehicular access and proper drainage. The maximum grade of the parking area shall not exceed five percent. Surface water shall not discharge onto public sidewalks or other premises.
 6. No areas necessary to fulfill the off-street parking requirements of this Ordinance shall be used for the sales, storage, repair, dismantling, or servicing of vehicles.
 7. Off-street parking facilities existing at the effective date of this Zoning Ordinance shall not be subsequently reduced to an amount less than that required under this Ordinance for a similar new building or use.
 8. No off-street parking plan shall be approved where a portion of the lot is to remain undeveloped unless an adequate area for parking is reserved for future development. Reservation can be made by suitable deed restrictions.

9. When the required number of parking spaces is computed and a fraction of a parking space results, any fraction below one-fourth (1/4) may be disregarded and any fraction over one-fourth (1/4) shall necessitate the provision of a full parking space.
10. Off-street parking requirements shall be as follows and shall be in addition to any required state or federal handicap space requirement:
- | | | |
|----|--|---|
| a. | residential uses | two (2) spaces per dwelling unit |
| b. | municipal building | one (1) space for every three seats |
| c. | place of worship | |
| d. | club or lodge | |
| e. | bed and breakfast inn | one (1) space for each unit, plus one (1) space for each non-resident employee and/or owner when an employee(s) or owner resides on the property, an additional two (2) spaces shall be required for each |
| f. | woodland or game preserve or similar wildlife preservation or conservation use | two (2) spaces per lot |
| g. | home occupation | in addition to the spaces required for the residential use, one (1) space per non-resident employee plus one (1) space for each 150 square feet of floor area devoted to patron use |
| h. | home business | |
| i. | park, playground or similar non-commercial recreational area | one (1) space for every three persons of expected design capacity and one (1) space per employee |
| j. | riding academies | one (1) space for every instructor plus |
| k. | boarding stables | one (1) space for every person in a class of maximum size and/or one (1) space for each stall use for boarding and (1) space per employee |

10. CONTINUED:

- l. temporary structures for the retail sale of agricultural products two (2) spaces per structure
- m. roadside farm stand not less than five (5) spaces
- n. nurseries and/or greenhouses with no retail sales one (1) space per employee
- o. trades business in addition to the spaces required for the residential use, one spaces per non-resident employee
- p. farm occupations
- q. For any building or use not listed above, the Zoning Officer shall apply the standard for off-street parking spaces in the above schedule deemed to most appropriately suit the proposed building or use. Where none of the above uses adequately address the parking needs of the proposed building or use as determined by the Zoning Officer, or to the extent that a use other than those listed above may be allowed by decision of the Zoning Hearing Board, parking spaces shall be provided in compliance with the most recent edition of the Parking Generation Manual of the Institute of Transportation Engineers (ITE).

Section 610. DRIVEWAYS

Driveways shall be constructed in accordance with the District Township Driveway Ordinance and the District Township Subdivision and Land Development Ordinance.

Section 611. STORAGE OF VEHICLES

- 1. Unlicensed/unregistered motorized vehicles or parts thereof shall not be parked or stored anywhere in the Township other than in a carport, enclosed building, or to the rear of the principal structure on a property.
- 2. In the case of vehicles parked or stored to the rear of the principal structure:
 - a. vehicles shall not be within seventy-five feet (75') of any property line, and
 - b. there shall be no more than two (2) such vehicles or parts thereof.

Section 612. PARKING, STORAGE, OR USE OF RECREATIONAL VEHICLES

- 1. No recreational vehicle shall be used for living, sleeping or housekeeping purposes (except for temporary use by guests or visitors of the lot owner, not to exceed a period of two-weeks for each said vehicle per year).
- 2. Under no circumstances shall a recreational vehicle be used at any time as a principal use on any lot.

3. If the lot owner stores or parks his recreational vehicle on his lot, it must not be parked or stored within any required front or side yard.

Section 613. OBSTRUCTIONS

1. On a corner lot, no wall, fence, or other structure may be erected or altered, and no hedge, tree, shrub, or other growth shall be maintained which may cause danger to the drivers of vehicles on a public road by obscuring the drivers' view.
2. Clear sight-triangles shall be provided at all street intersections. Within such triangle, no object shall be permitted which obscures vision above the height of three feet and below ten feet, measured from the center line grade of intersecting streets. Such triangles shall be established from a distance of seventy-five feet from the point of intersection of the center lines of the intersecting streets or at such other distance established by the District Township Subdivision and Land Development Ordinance.

Section 614. STEEP SLOPES OVERLAY DISTRICT

1. Purpose

- Steep slope areas are environmentally sensitive areas which require the protection afforded by these regulations in addition to the provisions set forth in underlying zoning district. The purpose of establishing these provisions to control and manage steep slope areas is to promote and protect the general health, welfare and safety of the Township; to encourage the utilization of appropriate construction practices; to minimize potential hazards to public health; to reduce financial burdens imposed on the Township; to regulate development in this district in accordance with Federal and State law, and Township ordinances; to conserve and protect areas of steep slope from inappropriate development and excessive grading; to avoid negative impacts caused by erosion, stream siltation, soil failure leading to structural collapse, damage, or unsanitary conditions; to minimize danger to public health and safety by promoting safe and sanitary drainage; and to permit and encourage the use of steep slope areas for open space purposes, so as to constitute a harmonious aspect of the continuing physical development of the Township.
2. Steep slopes are defined as all areas within the Township having a ground surface that slopes at a rate of eight percent (8%) or greater.
 3. Steep slopes shall consist of three (3) categories:
 - a. 8 to 14.99 percent
 - b. 15 to 24.99 percent
 - c. 25 percent and greater
 4. For slopes between 8% and 14.99%, there shall be no special restriction against building or other permitted uses except for the regulation of manure storage facilities under Section 619.
 5. For slopes between 15% and 24.99%, no more than fifty percent (50%) of the area may be altered, regraded, cleared, or built upon, provided a grading plan is submitted and approved by the Township for any soil disturbance.

6. For those lands with slopes of 25% or greater, no more than twenty-five percent (25%) of the area may be altered, regraded, cleared, or built upon, provided that an application for conditional use is first submitted and approved by the Township. Construction of a single-family residential dwelling on lands with slopes of 25% or greater is prohibited.
7. In addition to that information required by Section 810 for applications for conditional use, an applicant for a conditional use to alter, grade, clear or build upon land with slopes of 25% or greater shall supply the following with the conditional use application:
 - a. A plan by a Registered Professional Engineer or Surveyor which accurately locates the proposed uses within 100 feet of the proposed use.
 - b. All pertinent information describing the proposal.
 - c. An erosion and sediment control plan.
 - d. The following, unless waived by the Township:
 - (1) Plan view of the site, conforming to the preliminary plan requirements of the Township Subdivision and Land Development Ordinance.
 - (2) Topographic survey showing contour elevations at five foot contours as well as typical tract cross-sections at a scale of one inch to 100 feet (1" = 100') or larger. In addition, typical tract cross-sections at a vertical and horizontal scale deemed appropriate by the Township Engineer.
 - (3) Specifications of building materials and construction including filling, grading, materials storage, water supply, and sewage disposal facilities.
 - (4) Proposed modifications to the existing topography and vegetative cover, as well as the means of accommodating stormwater runoff.
 - (5) Documentation of any additional engineering and/or conservation techniques designed to alleviate environmental problems created by the proposed activities as prepared and sealed by a Registered Professional Engineer.
8. In considering the conditional use application, the Board of Supervisors shall also consider the following:
 - a. Relationship of the proposed use to the objectives as set forth in this Section.
 - b. Adverse effects to abutting or downstream properties, in view of:
 - (1) Extent and severity of steep slopes on the site.
 - (2) Extent and proposed disturbance of existing vegetative cover on the site.
 - (3) Soil types and underlying geology of the site.

- (4) Length or extent of steep slopes both on the site in question and on adjacent lands within 100 feet of the site.
 - (5) Evidence that the proposed development, any impervious surface, and the resultant disturbance to the land and existing vegetative cover will not cause excessive runoff and/or related environmental problems as prepared and sealed by a Registered Professional Engineer.
- c. Evidence prepared and sealed by a Registered Professional Engineer that:
- (1) Proposed buildings or structures are of sound engineering design and that footings are designed to extend to stable soil and/or bedrock.
 - (2) Proposed roads, drives and parking areas are designed that land clearing and/or grading will not cause accelerated erosion. Both vertical and horizontal alignment of such facilities shall be so designed that hazardous conditions are not created.
 - (3) Proposed on-lot sewage disposal facilities shall be properly designed and constructed in conformity with applicable regulations.
 - (4) Proposed displacement of soil shall be for causes consistent with the intent of this Ordinance and shall be executed in the manner that will not cause erosion or other unstable conditions.
 - (5) Surface runoff of water will not create unstable conditions, including erosion, and that appropriate stormwater management facilities will be construed as necessary.
9. The granting of a conditional use for land with slopes of 25% or greater shall not constitute a representation, guarantee or warranty of any kind by the Township or any official or employee thereof regarding the practicability or safety of the proposed use and shall create no liability upon the Township, its officials, or its employees. The owner will be required to execute a document satisfactory to the Township to acknowledge the Township's lack of liability.

Section 615. FLOOD PLAIN CONTROLS

1. Purpose

The purpose of this section is to supplement the zoning district regulations in order to prevent development in areas unfit for development due to flooding; to minimize danger to the public health, by protecting water supply and natural drainage; to promote the health, safety, and welfare of residents and property owners in or near streams and areas subject to flooding; and to provide for the preservation of natural drainageways while providing for such uses and developments as are compatible with these objectives.

2. Abrogation and Greater Restrictions

This section supersedes any zoning district regulations, but if existing zoning regulations are more restrictive for the particular district within which the property is located, then the more restrictive requirements shall apply.

3. Controls

Flood plain management controls applicable under this zoning ordinance are covered in a separate ordinance of District Township entitled "Flood Plain Management Controls".

Section 616. HOME OCCUPATION AND HOME BUSINESS REGULATIONS

1. Home Occupation Regulations

- a. No storage of materials or products in open areas shall be permitted.
- b. No display of products made shall be visible from the street.
- c. There shall be no outside advertising other than one sign of no more than two square feet in area on any one side.
- d. No more than two persons other than immediate family members shall be employed full time by the practitioner of the occupation to provide secretarial, clerical, or other assistance.
- e. No noise, odor, dust, vibration, electromagnetic interference, smoke, heat or glare shall be perceptible at or beyond the lot boundaries.
- f. The Home Occupation shall not generate or discharge any waste, or effluent not normally created and/or generated in residential dwellings. In addition, no explosive, flammable, caustic, hazardous, or dangerous materials may be stored on the property.
- g. Such occupations shall be incidental or secondary to the use of the property as a dwelling and not more than the equivalent of the footprint of the dwelling may be used for the purposes of the home occupation.
- h. For those occupations which serve patrons, one off-street parking space shall be provided for each 150 square feet of floor area devoted to patron use.
- i. Only one Home Occupation may be conducted within a residential dwelling.
- j. No more than thirty percent (30%) of the gross floor area of the first floor of the dwelling may be used for the Home Occupation as determined by the Township's engineer.

- k. For all activities that require a license issued by the Commonwealth of Pennsylvania, the Applicant shall provide a true and correct copy of a current and valid license demonstrating that the Applicant actually holds the required license to engage in the activity involved prior to issuance of any zoning permit.

2. Home Business

- a. The minimum lot size for any lot on which a Home Business is proposed shall be three (3) acres.
- b. No activity of the Home Business whether within the dwelling or within any accessory building shall be closer than 100 feet from any side yard or rear yard or within 100 feet of any other residential dwelling.
- c. All of the provisions set forth in Section 616.1 subparagraphs a. through i. and subparagraph k. shall apply to the Home Business. Subparagraph j. of Section 616.1 shall not apply.

Section 617. FENCES

1. No fence or wall over six feet in height may be erected.
2. No fence, wall, or hedge may be erected or planted within the right-of-way lines of any street, nor may they encroach upon any right-of-way at any time.

Section 618. CORNER LOT RESTRICTIONS

On every corner lot there shall be provided a yard, equal in depth to the front yard requirement of the particular zoning district in which the corner lot is located, on each side of the lot which is adjacent to a street. This section shall not be construed to affect any building or lot already in existence prior to the effective date of this Ordinance.

Section 619. AGRICULTURAL OPERATIONS REGULATIONS

1. All Agricultural Operations shall comply with the following standards:
 - a. Agricultural operations shall be conducted in accordance with applicable Township, County, State and Federal regulations.
 - b. All areas used for grazing shall be fenced.
 - c. No slaughter area shall be established closer than 100 feet to any property line.
 - d. No solid or liquid wastes shall be discharged or stored in any reservoir, sewage disposal system, storm sewer, unlined holding pond, or open body of water unless such discharges are in compliance with the applicable standards of Township, County, State and Federal regulatory agencies.

- e. No structure used for animal confinement shall be established closer than 100 feet from any front, side or rear property line.
 - f. Agricultural Operations shall be conducted such that no soil, sediment, debris and/or other items are deposited on public roadways.
 - g. Stormwater control BMPs shall be required in accordance with the Township's Stormwater Management and Earth Disturbance Ordinance and their design, operation and maintenance shall comply with the requirements therein.
2. In addition to subparagraph 1 above, Normal Agricultural Operations shall comply with the following standards:
- a. Any normal agricultural operation that generates manure shall provide documentation of a written Manure Management Plan as required by the Nutrient Management Act.
 - b. No manure storage facilities shall be established closer than 100 feet to any property line.
 - c. Animal concentration areas shall be managed in accordance with a written Manure Management Plan that complies with the Pennsylvania Manure Management Plan Guidance.
3. In addition to subparagraph 1 above, Intensive Agricultural Operations shall comply with the following standards:
- a. Concentrated Animal Operations
 - (1) The number of AEUs per acre shall be computed by dividing the total number of AEUs by the total number of acres of land suitable for the application of manure.
 - (a) For the purpose of determining whether an agricultural operation is a CAO, "land suitable for the application of manure" is land that meets all of the following:
 - A. The land is under the management control of the operator.
 - B. The land is cropland, hayland or pastureland.
 - C. The land is an integral part of the agricultural operation, as demonstrated by title, rental or lease agreements, crop records or information on a form provided by the State Conservation Commission.
 - D. The land is or will be any of the following:
 - i. used for the application of manure generated by the agricultural operation;

- ii. included within the areas where manure may not be applied per regulations of the Nutrient Management Act relating to the determination of nutrient application rates;
 - iii. included within the areas where manure may not be mechanically applied per regulations of the Nutrient Management Act relating to nutrient application procedures.
 - (b) Land suitable for the application of manure does not include farmstead areas or forest land.
- (2) Any CAO (as defined herein) must provide documentation of an approved Nutrient Management Plan as required by the Nutrient Management Act.
- (3) Manure storage facilities shall meet the following setbacks as established by the Nutrient Management Act:
 - (a) Existing manure storage facilities shall meet the requirements of the Nutrient Management Act.
 - (b) Manure storage facilities established after the date of adoption of this ordinance [month, date, year] may not be constructed within:
 - A. 100 feet of an intermittent or perennial stream, river, spring, lake, pond or reservoir.
 - B. 100 feet of a wetland that is identified on the National Wetlands Inventory maps, if the following apply:
 - i. the wetland is within the 100 year floodplain of an Exceptional Value stream segment.
 - ii. surface flow is toward the wetland.
 - C. 100 feet of a private water well, or open sinkhole.
 - D. 100 feet of an active public drinking water well, unless other State or Federal laws or regulations require a greater isolation distance.
 - E. 100 feet of an active public drinking water source surface intake, unless other State or Federal laws or regulations require a greater isolation distance.

- F. 200 feet of a property unless the landowners within the 200 foot distance from the facility otherwise agree and execute a waiver in a form acceptable to the State Conservation Commission.
 - G. 200 feet of an intermittent or perennial stream, river, spring, lake, pond reservoir or any water well, or wetland described in (b) above, if a facility (except permanent stacking and compost facilities) is located on slopes exceeding 8% or has a capacity of 1.5 million gallons or greater.
 - H. 300 feet of a property line, if a facility (except permanent stacking and compost facilities) is located on slopes exceeding 8% and if the slope is toward the property line, or a facility has a capacity of 1.5 million gallons or greater, unless the landowners within the 300 foot distance from the facility otherwise agree and execute a waiver in a form acceptable to the State Conservation Commission.
- (4) Animal concentration areas (as defined herein and as required by the Nutrient Management Act) shall be sized, located, implemented and managed using BMPs to eliminate the direct discharge of stormwater runoff commingled with manure from these areas to surface water and groundwater.
- b. Greenhouses (area more than 50,000 square feet, see definition intensive agricultural operation) and Mushroom Production
- (1) Greenhouses shall be set back a minimum of 100 feet from property lines.
 - (2) Structures used for any phase of mushroom production shall be set back a minimum of 300 feet from property lines.
 - (3) All property used for mushroom production shall show documentation of an approved Mushroom Farm Environmental Management Plan.

Section 620. ENVIRONMENTAL PERFORMANCE STANDARDS FOR INDUSTRIAL USES

The Township Supervisors may require safeguards to assure compliance with the following environmental standards. When required, the applicant shall demonstrate that adequate provisions will be made to reduce and minimize any objectionable elements. Nothing in this performance standard shall take precedence over any applicable current State or Federal Law governing air management, waste water management, solids waste management or noise as enforced by the Federal Environmental Protection Agency and the Pennsylvania Department of Environmental Protection of their successors.

Upon request of the Township the owner shall furnish or obtain proof at his own expense that he is in compliance with the following environmental standards.

1. Air Management

- a. No malodors shall be detectable beyond the lot lines of the lot on which such malodors originate.\
- b. Air quality standards of the Pennsylvania Department of Environmental Protection shall be complied with.
- c. No person shall permit the emission into the outdoor atmosphere of visible air contaminants in such a manner that the opacity of the emission is greater than twenty percent (20%), except where the presence of uncombined water is the only reason for the failure of the emission to meet this limitation.
- d. No dust or dirt shall be discharged beyond the lot lines of the lot on which it originates, except as may occur during lawn maintenance, agricultural operations, or construction operations carried out pursuant to any applicable State requirements and required planning and permitting procedures.

2. Wastewater Management

No wastewater discharge is permitted into a reservoir, sewage or storm disposal system, stream, open body or water, or into the ground, of any materials in such a way or of such nature or temperature as could contaminate any water supply or damage or be detrimental to any sewage system or sewage treatment plant, or otherwise cause the emission of dangerous objectionable elements unless treated so that the insoluble substances (oils, grease, acids, alkalines and other chemicals) are in accordance with the standards as approved by Water Pollution Control Boards, appropriate agencies of the Department of Environmental Protection, other municipal regulations or other agencies having jurisdiction.

3. Solid Waste Management

No storage or disposal of waste material on the lot shall be permitted. Except in the case of residential properties where otherwise required by this Ordinance or other Township ordinance, all waste materials awaiting transport shall be concealed from view from all adjacent properties and streets, kept in enclosed containers, and be enclosed by a fence or other suitable means to adequately prevent access to the material from all adjacent properties.

4. Noise and Vibration

- a. Sound level limits, measured at the property line of the source of noise shall be as follows, unless a more restrictive standard is applied elsewhere in this Ordinance.
 - (1) Ambient sound levels shall be observed with an Integrating Sound Level Meter complying with current Type 1 ANSI or ISO standards. The meter shall be set for “fast” response and “A” weighting. The average (equivalent) sound level shall be observed over at least a 20-minute period.

(2) Measurements to determine compliance with Sound Level Limits shall be done with an Integrating Sound Level Meter conforming to current Type 1 ANSI or ISO standards. The meter shall be set for “fast” response and “A” weighting. The average (equivalent) sound level shall be observed over at least a 20-minute period.

(3) Sound Levels by Receiving Land Use

<u>Time</u>	<u>Sound Level (Leq) Limit</u>
7:00 a.m. – 10:00 p.m.	60 dBA
10:00 p.m. – 7:00 a.m.	50 dBA
plus Sundays and legal holidays	

(3) If existing ambient sound levels are equal to or higher than the prescribed limit, the new noise source shall be permitted to result in a sound level increase of up to 3 dBA over existing ambient sound levels, or to a maximum level which is 7 dBA higher than the prescribed maximum in the preceding table, whichever is lower. If the existing ambient sound levels are more than 7 dBA above the prescribed maximum, no increase above ambient sound levels shall be permitted.

(4) The maximum permissible sound levels listed in the previous table shall not apply to any of the following noise sources:

- The emission of sound for the purpose of alerting persons to the existence of an emergency.
- Domestic power tools.
- Emergency work to provide electricity, water, or other public utilities when public health or safety are involved.
- Agriculture.
- Construction operations.
- Public celebrations authorized by the Township.
- Lawn maintenance equipment.
- Surface carriers engaged in commerce by railroad.
- Motor vehicle operations, other than parked trucks and other parked vehicles that run continuously for more than fifteen (15) minutes.
- The unamplified human voice.

- Short duration sound levels related to isolated events, provided the duration is less than one minute and the sound level does not exceed 90 dBA at the property line; provided they do not occur more than one time per hour; and provided they occur only between the hours of 7:00 a.m. and 7:00 p.m.
 - b. No physical vibration shall be perceptible without use of instrument at or beyond the lot lines, unless such vibration shall be regulated by and shall have been approved by the Pennsylvania Department of Environmental Protection.
5. Heat
- Any operation producing heat shall be conducted in such a manner as to prevent any effect from the heat beyond the lot lines of the lot on which the operation is located.
6. Electromagnetic and Radioactive Radiation
- All electromagnetic radiation shall comply with the regulations of the Federal Communication Commission, provided that no electromagnetic radiation shall be produced which interferes with radio or television reception or the operation of other equipment beyond the lot lines. No injurious electromagnetic radiation or radioactive emission shall be produced, and all radioactive emissions shall meet Federal and State standards.
7. PA DEP Requirements
- All regulations of the Pennsylvania Department of Environmental Protection shall be complied with.
8. Electric, Diesel, Gas or Other Power
- Every use requiring power shall be so operated that any service line, substation, or other facility shall:
- a. conform to the highest applicable safety requirements,
 - b. be constructed and installed as an integral part of the architectural features of the plant, and
 - c. be concealed by evergreen planting from residential properties.

Section 621. JUNK YARDS

It shall be unlawful to operate or hold open to the public any facility falling within the definition of Junk Yard contained in this Ordinance.

Section 622. WETLAND MANAGEMENT

State and Federal Regulations regarding wetlands shall be complied with by owners, applicants, and developers.

Section 623. SEWAGE DISPOSAL

Sewage disposal shall be in accordance with the regulations of the Pennsylvania Department of Environmental Protection, District Township Sewage Facility Ordinance, and District Township Act 537 Sewage Facilities Plan.

Section 624. PRIVATE AIRPORTS AND HELIPORTS

It is the express intent of the Supervisors of District Township that private airports and heliports or landing strips within the Township be tightly controlled. Topography and the small size of the Township geographically mandate that no additional private airports, heliports, and landing strips be allowed, and that no substantial upgrading or commercialization of existing strips be permitted.

Section 625. SANITARY LANDFILLS

Sanitary landfills are not allowed in District Township.

Section 626. SURFACE MINING ACTIVITIES

Surface Mining Activities are not allowed in District Township.

Section 627. FORESTRY, TIMBER HARVEST and FORESTRY ACTIVITIES INVOLVING LAND DEVELOPMENT

1. The following shall not be subject to the requirements contained below for either forestry, timber harvesting or forestry activities involving land development:
 - a. felling and/or removal of diseased or dead trees,
 - b. felling and/or removal of trees for personal firewood use, and
 - c. removal of trees from an orchard, tree farm or nursery.
2. Timber Harvest
 - a. Felling and/or removal of trees in accordance with an approved subdivision or land development plan or building/grading permit plan shall not be considered forestry or timber harvest but is subject to the regulations of Section 627.3.
 - b. Prior to conducting a timber harvest of 40 or more trees in one calendar year, the following items shall be completed:
 - (1) Approval from the Berks County Conservation District for either a Timber Harvest Erosion & Sediment Control Plan or a Timber Harvest Erosion and Sediment Control Permit shall be obtained and a copy provided to the Township.
 - (2) Any permits required by State laws and regulations shall be obtained and a copy provided to the Township. This includes but is not limited to stream crossings and wetland impacts.

- (3) A zoning permit shall be obtained from the Township. The zoning permit will not be issued prior to receipt of the item(s) required in subsection (1) and when necessary subsection (2) above. A copy of the plan approved by the Berks County Conservation District shall also be provided.
- c. A copy of the approved Timber Harvest Erosion & Sediment Control Plan or a Timber Harvest Erosion and Sediment Control Permit shall be available at the site of the timber harvest at all times during the operation and shall be provided to the Zoning Officer or other Township designated representative upon request.
 - d. The landowner and the forestry operator shall be jointly and severally responsible for complying with the terms of the Timber Harvest Erosion & Sediment Control Plan or a Timber Harvest Erosion and Sediment Control Permit and the zoning permit.
 - e. The following forestry practices shall apply to all timber harvest operations:
 - (1) Clear cutting shall comply with the requirements of the Steep Slopes Overlay District contained in Section 614 herein.
 - (2) Clear cutting is prohibited within the boundaries of any floodway or within a floodplain as shown on FEMA's Flood Insurance Rate Maps.
 - (3) No timber harvesting or removal of timber products shall take place between the hours of 7 pm and 8 am or on Sundays or legal holidays.
 - (4) Felling or skidding on or across any public road is prohibited without the express written consent of District Township or Penn DOT whichever is responsible for maintenance of the road.
 - (5) No tree tops or slash shall be left within twenty-five (25) feet of any public road, or private road providing access to adjoining property.
 - (6) No tree tops or slash shall be left on or across the boundary of any property adjoining the operation without the consent of the owner thereof.
 - (7) When the timber harvest is completed, all access roads, skid and haul trails, and landing areas shall be restored to conditions that existed prior to the timber harvest. Only those access roads for which driveway permits are issued may remain when in compliance with the approved driveway permit.
 - (8) Litter resulting from a timber harvesting operation shall be removed from the site before it is vacated by the forestry operator.
 - f. No loading or unloading of vehicles, equipment or timber may take place upon any Township or State road.

- g. Pursuant to Title 75 of the Pennsylvania Consolidated Statutes, Chapter 49 and Title 67 Pennsylvania Code, Chapter 189, the landowner and the forestry operator shall be responsible for repairing any damage to Township roads caused by traffic associated with the timber harvesting operation, to the extent the damage is in excess of that caused by normal traffic.

3. Forestry Activities Involving Land Development

- a. No clearing, felling and/or removal of trees shall be conducted upon any building lot shown on any subdivision or land development plan whether approved or submitted for approval, except in compliance with the approved subdivision, land development and/or building permit plan.
- b. Clearing, felling and/or removal of trees for the purpose of subdivision and land development or for a building permit shall be under and subject to the following:
 - (1) Area for driveways shall be cleared to a width of not greater than thirty (30) feet, unless required, as deemed necessary by the Township, for the installation of storm water control facilities or erosion control measures.
 - (2) Areas, groves or stands of mature trees (i.e. greater than twelve (12) inches caliper) consisting of ten (10) or more mature trees, as well as areas, groves or stands of medium-mature trees (i.e. greater than six (6) inches caliper) of one-quarter (1/4) acres or greater shall be protected to the fullest extent possible and cannot be disturbed unless specifically permitted by the Township.
 - (3) In the layout and design of required improvements, every effort shall be made to preserve and maintain mature individual trees, hedge rows, fence rows and canopies of trees that have coverage of sixty percent (60%) or greater.

Section 628. PROTECTION OF SURFACE WATER RESOURCES

When earth disturbance relating to the construction of any building or structure is proposed to take place within seventy-five feet (75') of the top of the bank of any watercourse, the applicant shall, upon the request of the Township Zoning Officer or Engineer, provide such additional information as required by the Township to demonstrate that the proposed earth disturbance will not result in any pollution or adverse impact to the watercourse.

Section 629. HEIGHT EXCEPTIONS

The building height limitations contained within this Ordinance shall not apply to chimneys, spires, belfries, cupolas, silos, antennas, elevator shafts, HVAC systems, and other similar structures or appurtenances provided they are not intended for human occupancy. HVAC systems placed above roof level shall be completely screened.

Section 630. BED AND BREAKFAST INN REGULATIONS

Bed and Breakfast Inns permitted by this Ordinance are subject to the following regulations:

1. No cooking facilities shall be permitted in rooms for rent.
2. The maximum number of rooms for rent shall be six (6).
3. The maximum number of consecutive nights a room can be rented to any individual is fourteen (14).
4. The Bed and Breakfast shall be owner occupied.
5. At least one (1) bathroom shall be provided for every three (3) units, plus at least one (1) bathroom for the resident owner.
6. The use shall maintain an appearance and character consistent with a residence or a farm. The only exterior changes permitted to portions of residential buildings that are visible from a public street shall be for historic restoration, cosmetic improvements, and any necessary safety improvements or removal of architectural barriers.
7. Bed and Breakfasts shall only be permitted within buildings that existed on the effective date of this Ordinance.
8. One (1) off-street parking space shall be provided for each room available for rent and each employee on the premises at any one time, in addition to those required for the dwelling unit.
9. All parking areas shall be set back a minimum of twenty feet (20') from all property lines, and shall be screened from adjoining lots and streets.
10. A Bed and Breakfast may erect one (1) sign no larger than nine square feet (9 S.F.) in size, which must be set back at least ten feet (10') from all lot lines.
11. The applicant shall furnish evidence that an approved means of sewage disposal and water supply shall be used.
12. The applicant shall furnish proof of any needed land development approvals and approval from the Commonwealth of Pennsylvania Department of Labor and Industry.

Section 631. MAXIMUM NUMBER OF LOTS DETERMINATION

1. The following procedure shall be followed by all applicants for subdivision and land development approval within the C - Conservation District:
 - a. An existing conditions map of the parcel shall be prepared and shall identify and calculate the areas containing the following natural resources:

- (1) identified floodplains and floodway (as defined in the District Township Floodplain Management Controls Ordinance);
- (2) wetlands;
- (3) watercourses and waterbodies;
- (4) areas of steep slope, including areas of slopes 25% and over and areas of slopes between 15% and 25%;
- (5) rock outcrops, boulder fields, soils with bedrock at surface (when those features equal or exceed an area 1000 square feet or larger).

b. The protected lot area shall be calculated as follows:

Natural Resource		Protected Percentage	Acres of Land in Natural Resource	Protected Lot Area per Natural Resource (Percentage x Acres in Resource)
Floodplain & Floodway		100%	x _____ =	_____
Wetlands		100%	x _____ =	_____
Watercourses		100%	x _____ =	_____
Steep Slope 25% and over		75%	x _____ =	_____
Steep Slope 15-24%		25%	x _____ =	_____
Rock Outcrop & other features per 631.1.a.(5)		90%	x _____ =	_____
Total Protected Lot Area				_____

Note: In the event that two or more resources overlap, the resource with the greatest protection standard (the largest percentage) shall apply.

d. The maximum number of lots shall be calculated as follows:

The total protected lot area shall be deducted from the lot area*. The maximum number of lots allowed to be subdivided shall be calculated by dividing the resulting difference by the minimum lot size of the C - Conservation District.

$$\frac{\text{Lot Area*} - \text{Total Protected Lot Area}}{\text{Minimum Lot Size (Conservation District)}} = \text{Maximum Number of Lots}$$

* lot area shall be as determined for compliance with minimum lot size, see the definition of lot area herein for exclusions

Section 632. ROADSIDE FARM STAND

The display and sale of farm products shall be permitted as part of a Normal Agricultural Operation or an Intensive Agricultural Operation provided that:

1. At least 50 percent of the farm products for sale have been produced on the property on which they are offered for sale.
2. The off-street parking regulations for roadside farm stand are met.
3. The sale of farm products shall be conducted within a structure or from a stand which shall be no closer than fifty feet from the legal street right-of-way line.

Section 633. SMALL SCALE LIVESTOCK ACTIVITIES

1. In order to keep or raise livestock on a lot, that does not meet the definition of a normal agricultural operation or an intensive agricultural operation as defined in this Ordinance, the following shall apply:

- a. Minimum gross lot area – 2 acres.
- b. Maximum number of AEUs – per table in subparagraph d. below.
- c. The number of acres used when calculating allowable AEUs shall be the gross lot area minus 1 acre.
- d.

Lot Area (gross)	Allowable Area for Calculating AEUs	Maximum AEU per Acre
between 2 and 9.99	between 1 and 8.99	1.0
between 10 and 24.99	between 9 and 23.99	1.5
over 25	over 24	2.0

2. In addition to the above acreage requirements, small scale livestock activities shall meet the following requirements for keeping of livestock:

- a. Appropriate structure(s) for shelter shall be provided.

- b. All areas used for grazing shall be fenced.
- c. All activities shall be conducted such that no soil, sediment, debris and/or other items are deposited on public roadways.
- d. No manure storage facilities shall be established closer than 100 feet to any property line.
- e. Pasture must be managed to maintain vegetation and to control erosion and surface water runoff. Access to streams shall be limited.
- f. Pasture shall not include the sewage disposal area.
- g. Manure management shall be such that odors, flies and/or other vermin are controlled.

Section 634. FLAG LOT REGULATIONS

Notwithstanding otherwise applicable lot width requirements, flag lots are permitted so long as all of the following standards are met:

1. Flag lots may be designed and used for single family residential dwellings and normal agricultural operations only.
2. In any residential subdivision, no more than 2 flag lots shall be permitted. Flag lots in a subdivision for other uses are prohibited.
3. The width of the access strip shall never be less than 25 feet.
4. The access strip shall at all times be part of and owned in fee simple absolute title along with the main portion of the lot. Easements across adjoining properties shall not be an acceptable substitute for fee simple ownership of the access strip.
5. The access strip shall not be counted in determining lot size.
6. All other lot criteria of the ordinance, including but not limited to minimum lot size, lot width and setbacks etc. shall be applicable to the main portion of the lot excluding the access strip.

Section 635. OUTDOOR WOOD-FIRED BOILERS

1. Outdoor wood-fired boilers as defined herein shall require a Zoning Permit prior to installation, notwithstanding the regulations in Section 801.1 herein.
2. Outdoor wood-fired boilers shall be installed only in compliance with Pennsylvania State Code §123.14. Outdoor wood-fired boilers.
3. If the minimum yard setback of the underlying Zoning District is greater than that required by Pennsylvania State Code §123.14. Outdoor wood-fired boilers, then the greater distance shall apply.

Section 636. WIRELESS COMMUNICATIONS FACILITIES

1. Purposes and Findings of Fact

- a. The purpose of this section is to establish uniform standards for the siting, design, permitting, maintenance, and use of Wireless Communications Facilities in District Township (referred to herein as the “Township”). While the Township recognizes the importance of Wireless Communications Facilities in providing high quality communications service to its residents, the Township also recognizes that it has an obligation to protect public safety and to minimize the adverse visual effects of such facilities through the standards set forth in the following provisions.
- b. By enacting these provisions, the Township intends to:
 - (1) Accommodate the need for Wireless Communications Facilities while regulating their location and number so as to ensure the provision of necessary services;
 - (2) Provide for the managed development of Wireless Communications Facilities in a manner that enhances the benefits of wireless communication and accommodates the needs of both Township residents and wireless carriers in accordance with federal and state laws and regulations;
 - (3) Establish procedures for the design, siting, construction, installation, maintenance and removal of both Tower-Based and Non-Tower based Wireless Communications Facilities in the Township, including facilities both inside and outside the public Rights-of-Way;
 - (4) Address new wireless technologies, including but not limited to, Distributed Antenna Systems, data collection units, cable Wi-Fi and other Wireless Communications Facilities;
 - (5) Minimize the adverse visual effects and the number of such facilities through proper design, siting, screening, material, color and finish and by requiring that competing providers of wireless communications services collocate their commercial communications Antennas and related facilities on existing towers;
 - (6) Promote the health, safety and welfare of the Township's residents.

2. Non-Tower Wireless Communications Facilities

- a. The following regulations shall apply to all Non-Tower WCF:
 - (1) Non-commercial usage exemption. Township residents utilizing satellite dishes, citizen and/or band radios, and Antennae for the purpose of maintaining television, phone, and/or internet connections at their respective residences shall be exempt from the regulations enumerated in this Section.

- (2) Prohibited on Certain Structures. No Non-Tower WCF shall be located on single-family detached residences, single-family attached residences, twin-homes, duplexes, or any residential accessory structure.
- (3) Historic Buildings. No Non-Tower WCF may be located within one hundred (100) feet of any property, or on a building or structure that is listed on either the National or Pennsylvania Registers of Historic Places, or eligible to be so listed, or is included in the official historic structures list in the Eastern Berks Joint Comprehensive Plan.
- (4) Permitted in all zones subject to regulations. Non-Tower WCF are permitted in all zones subject to the restrictions and conditions prescribed below and subject to applicable permitting by the Township.
- (5) Building permit required. WCF Applicants proposing the Modification of an existing Non-Tower-Based WCF shall obtain a building permit from the Township. In order to be considered for such permit, the WCF Applicant must submit a permit application to the Township in accordance with applicable permit policies and procedures.
- (6) Non-conforming Wireless Support Structures. Non-Tower WCF shall be permitted to collocate upon non-conforming Tower-Based WCF and other non-conforming structures. Collocation of WCF upon existing Tower-Based WCF is encouraged even if the Tower-Based WCF is non-conforming as to use within a zoning district.
- (7) Standard of care. Any Non-Tower WCF shall be designed, constructed, operated, maintained, repaired, modified and removed in strict compliance with all current applicable technical, safety and safety-related codes, including but not limited to the most recent editions of the American National Standards Institute (ANSI) Code, National Electrical Safety Code, and National Electrical Code. Any WCF shall at all times be kept and maintained in good condition, order and repair by qualified maintenance and construction Personnel, so that the same shall not endanger the life of any Person or any property in the Township.
- (8) Wind and ice. All Non-Tower WCF structures shall be designed to withstand the effects of wind gusts and ice to the standard designed by the American National Standards Institute as prepared by the engineering departments of the Electronics Industry Association, and Telecommunications Industry Association (ANSI/EIA/TIA-222, as amended).
- (9) Aviation safety. Non-Tower WCF shall comply with all federal and state laws and regulations concerning aviation safety.
- (10) Public safety communications. Non-Tower WCF shall not interfere with public safety communications or the reception of broadband, television, radio or other communication services enjoyed by occupants of nearby properties.

- (11) Radio frequency emissions. A Non-Tower WCF shall not, by itself or in conjunction with other WCFs, generate radio frequency emissions in excess of the standards and regulations of the FCC, including but not limited to, the FCC Office of Engineering Technology Bulletin 65 entitled “Evaluating Compliance with FCC Guidelines for Human Exposure to Radio Frequency Electromagnetic Fields,” as amended.
- (12) Removal. In the event that use of a Non-Tower WCF is discontinued, the owner shall provide written notice to the Township of its intent to discontinue use and the date when the use shall be discontinued. Unused or abandoned WCF, or portions of WCF, shall be removed as follows:
 - (a) All abandoned or unused WCFs and Accessory Equipment shall be removed within ninety (90) days of the cessation of operations at the site unless a time extension is approved by the Township.
 - (b) If the WCF or Accessory Equipment is not removed within ninety (90) days of the cessation of operations at a site, or within any longer period approved by the Township, the WCF and/or associated facilities and equipment may be removed by the Township and the cost of removal assessed against the owner of the WCF.
- (13) Insurance. Each Person that owns or operates a Non-Tower WCF shall annually provide the Township with a certificate of insurance evidencing general liability coverage in the minimum amount of \$1,000,000 per occurrence and property damage coverage in the minimum amount of \$1,000,000 per occurrence covering the Non-Tower WCF.
- (14) Indemnification. Each Person that owns or operates a Non-Tower WCF shall, at its sole cost and expense, indemnify, defend and hold harmless the Township, its elected and appointed officials, employees and agents, at all times against any and all claims for Personal injury, including death, and property damage arising in whole or in part from, caused by or connected with any act or omission of the Person, its officers, agents, employees or contractors arising out of, but not limited to, the construction, installation, operation, maintenance or removal of the Non-Tower WCF. Each Person that owns or operates a Non-Tower WCF shall defend any actions or proceedings against the Township in which it is claimed that Personal injury, including death, or property damage was caused by the construction, installation, operation, maintenance or removal of a Non-Tower WCF. The obligation to indemnify, hold harmless and defend shall include, but not be limited to, the obligation to pay judgments, injuries, liabilities, damages, reasonable attorneys’ fees, reasonable expert fees, court costs and all other costs of indemnification.
- (15) Maintenance. To the extent permitted by law, the following maintenance requirements shall apply:

- (a) The Non-Tower WCF shall be fully automated and unattended on a daily basis and shall be visited only for maintenance or Emergency repair.
 - (b) Such maintenance shall be performed to ensure the upkeep of the facility in order to promote the safety and security of the Township's residents.
 - (c) All maintenance activities shall utilize nothing less than the best available technology for preventing failures and accidents.
- b. In addition to the provisions listed in Section 636.2.a, the following regulations shall apply to collocated Non-Tower WCF that do not Substantially Change the Physical Dimensions of the Wireless Support Structure to which they are attached, and/or fall under the Pennsylvania Wireless Broadband Collocation Act:
 - (1) Timing of approval for applications that fall under the WBCA. Within thirty (30) calendar days of the date that an application for a Non-Tower WCF is filed with the Township, the Township shall notify the WCF Applicant in writing of any information that may be required to complete such application. Within sixty (60) calendar days of receipt of a complete application, the Township shall make its final decision on whether to approve the application and shall advise the WCF Applicant in writing of such decision. If additional information was requested by the Township to complete an application, the time required by the WCF Applicant to provide the information shall not be counted toward the Township's sixty (60) day review period. The timing requirements in this section shall only apply to proposed facilities that fall under the Pennsylvania Wireless Broadband Collocation Act.
 - (2) Accessory Equipment. Ground-mounted Accessory Equipment greater than three (3) cubic feet shall not be located within fifty (50) feet of a lot in residential use.
 - (3) Permit fees. The Township may assess appropriate and reasonable permit fees directly related to the Township's actual costs in reviewing and processing the application for approval of a Non-Tower WCF or \$1,000, whichever is less.
- c. In addition to the provisions listed in Section 636.2.a, the following regulations shall apply to Non-Tower WCF that do Substantially Change the Wireless Support Structure to which they are attached, or that otherwise do not fall under the Pennsylvania Wireless Broadband Collocation Act:

- (1) Special Exception Authorization Required. Any WCF Applicant proposing the construction of a new Non-Tower WCF, or the Modification of an existing Non-Tower WCF, shall first obtain a Special Exception authorization from the Township. New constructions, Modifications, and Replacements that do fall under the WBCA shall be not be subject to the Special Exception process. The Special Exception application shall demonstrate that the proposed facility complies with all applicable provisions in the District Township Zoning Ordinance.
- (2) Retention of Experts. The Township may hire any consultant(s) and/or expert(s) necessary to assist the Township in reviewing and evaluating the application for approval of the WCF and, once approved, in reviewing and evaluating any potential violations of the terms and conditions of these WCF provisions. The WCF Applicant and/or owner of the WCF shall reimburse the Township for all costs of the Township's consultant(s) in providing expert evaluation and consultation in connection with these activities.
- (3) Permit Fees. The Township may assess appropriate and reasonable permit fees directly related to the Township's actual costs in reviewing and processing the application for approval of a Non-Tower WCF, as well as related inspection, monitoring and related costs.
- (4) Development Regulations. Non-Tower WCF shall be located or collocated on existing Wireless Support Structures, such as existing buildings or Tower-Based WCF, subject to the following conditions:
 - (a) The total height of any Wireless Support Structure and mounted WCF shall not exceed twenty (20) feet above the maximum height permitted in the underlying zoning district.
 - (b) In accordance with industry standards, all Non-Tower WCF Applicants must submit documentation to the Township justifying the total height of the Non-Tower WCF. Such documentation shall be analyzed on an individual basis.
 - (c) If the WCF Applicant proposes to locate the Accessory Equipment in a separate building, the building shall comply with the minimum requirements for the applicable zoning district.
 - (d) A security fence not to exceed ten (10) feet in height shall surround any separate communications equipment building. Vehicular access to the communications equipment building shall not interfere with the parking or vehicular circulations on the site for the principal use.
 - (e) Any separate communications equipment building shall also be surrounded by a screen of evergreen trees, each at least four (4) feet in height, located along the perimeter of the security fence.

Existing vegetation shall be preserved to the maximum extent possible.

- (5) Design Regulations. Non-Tower WCF shall employ Stealth Technology and be treated to match the Wireless Support Structure in order to minimize aesthetic impact. The application of the Stealth Technology chosen by the WCF Applicant shall be subject to the approval of the Township.
 - (6) Removal, Replacement and Modification.
 - (a) The removal and Replacement of Non-Tower WCF and/or Accessory Equipment for the purpose of upgrading or repairing the WCF is permitted, so long as such repair or upgrade does not Substantially Change the overall height of the WCF or increase the number of Antennae.
 - (b) Any substantial Modification to a WCF shall require notice to be provided to the Township, and possible supplemental permit approval to the original permit or authorization as determined by the Zoning Officer.
 - (7) Inspection. The Township reserves the right to inspect any WCF to ensure compliance with the provisions of the Zoning Ordinance and any other provisions found within the Township Code or state or federal law. The Township and/or its agents shall have the authority to enter the property upon which a WCF is located at any time, upon reasonable notice to the operator, to ensure such compliance.
 - (8) Financial security. Prior to receipt of a zoning permit for the construction or placement of a Non-Tower WCF, the WCF Applicant shall provide to the Township financial security sufficient to guarantee the removal of the Non-Tower WCF. Said financial security shall remain in place until the Non-Tower WCF is removed.
- d. In addition to the provisions listed in Section 636.2.a, the following regulations shall apply to Non-Tower WCF located in the public Rights-of-Way:
- (1) Location. Non-Tower WCF in the ROW shall be collocated on existing poles, such as existing utility poles, light poles, or traffic lights. If Collocation is not technologically feasible, the WCF Applicant shall locate its Non-Tower WCF on existing poles or freestanding structures that do not already act as Wireless Support Structures with the Township's approval.
 - (2) Design Requirements:

- (a) WCF installations located above the surface grade in the public ROW including, but not limited to, those on streetlights and joint utility poles, shall consist of equipment components that are no more than six (6) feet in height and that are compatible in scale and proportion to the structures upon which they are mounted. All equipment shall be the smallest and least visibly intrusive equipment feasible.
 - (b) Antenna and Accessory Equipment shall be treated to match the supporting structure and may be required to be painted, or otherwise coated, to be visually compatible with the support structure upon which they are mounted.
- (3) Time, Place and Manner. The Township shall determine the time, place and manner of construction, maintenance, repair and/or removal of all Non-Tower WCF in the ROW based on public safety, traffic management, physical burden on the ROW, and related considerations. For public utilities, the time, place and manner requirements shall be consistent with the police powers of the Township and the requirements of the Public Utility Code.
- (4) Equipment Location. Non-Tower WCFs and Accessory Equipment shall be located underground or, if undergrounding is demonstrated to be unfeasible, shall be located so as not to cause any physical or visual obstruction to pedestrian or vehicular traffic, or to otherwise create safety hazards to pedestrians and/or motorists or to otherwise inconvenience public use of the ROW as determined by the Township. In addition:
 - (a) In no case shall ground-mounted Accessory Equipment, walls, or landscaping be located within eighteen (18) inches of the face of the curb, within four (4) feet of the edge of the cartway, or within an easement extending onto a privately-owned lot;
 - (b) Ground-mounted Accessory Equipment that cannot be placed underground shall be screened from surrounding views, to the fullest extent possible, through the use of landscaping or other decorative features to the satisfaction of the Township. Ground-mounted Accessory Equipment shall be screened, when possible, by utilizing existing structures. If screening by utilizing existing structures is not possible, ground-mounted Accessory Equipment shall be made architecturally and aesthetically compatible with the surrounding area through the use of coatings, landscaping, and/or screening walls or enclosures to the satisfaction of the Township.
 - (c) Required electrical meter cabinets shall be screened to blend in with the surrounding area to the satisfaction of the Township.
 - (d) Any graffiti on any Wireless Support Structures or any Accessory Equipment shall be removed within thirty (30) days upon notification by the Township at the sole expense of the owner.

- (e) Any proposed underground vault related to Non-Tower WCF shall be reviewed and approved by the Township.
 - (f) Accessory equipment attached to the Wireless Support Structure shall have a minimum of twelve (12) feet of vertical clearance above finished grade.
- (5) Relocation or Removal of Facilities. Within ninety (90) days following written notice from the Township, or such longer period as the Township determines is reasonably necessary or such shorter period in the case of an Emergency, an owner of a WCF in the ROW shall, at its own expense, temporarily or permanently remove, relocate, change or alter the position of any WCF when the Township, consistent with its police powers and applicable Public Utility Commission regulations, shall have determined that such removal, relocation, change or alteration is reasonably necessary under the following circumstances:
- (a) when the WCF interferes with the construction, repair, maintenance or installation of any Township or other public improvement in the Right-of-Way;
 - (b) when the WCF interferes with the operations of the Township or other governmental entity in the Right-of-Way;
 - (c) when the Township or other governmental entity vacates a street or road or releases a utility easement; or
 - (d) when an Emergency occurs as determined by the Township.
- (6) Reimbursement for ROW Use. In addition to permit fees as described in this section, every Non-Tower WCF in the ROW is subject to the Township's right to fix annually a fair and reasonable fee to be paid for use and occupancy of the ROW. Such compensation for ROW use shall be directly related to the Township's actual ROW management costs including, but not limited to, the costs of the administration and performance of all reviewing, inspecting, permitting, supervising and other ROW management activities by the Township. The owner of each Non-Tower WCF shall pay an annual fee to the Township to compensate the Township for the Township's costs incurred in connection with the activities described above.

3. Tower-Based Wireless Communications Facilities

- a. The following regulations shall apply to all Tower-Based WCFs:

- (1) Standard of Care. Any Tower-Based WCF shall be designed, constructed, operated, maintained, repaired, modified and removed in strict compliance with all current applicable technical, safety and safety-related codes, including but not limited to, the most recent editions of the American National Standards Institute (ANSI) Code, National Electrical Safety Code, National Electrical Code, as well as the accepted and responsible workmanlike industry practices of the National Association of Tower Erectors. Any Tower-Based WCF shall at all times be kept and maintained in good condition, order and repair by qualified maintenance and construction Personnel, so that the same shall not endanger the life of any Person or any property in the Township.
- (2) Special Exception Authorization Required. Tower-Based WCF are permitted in certain zoning districts by Special Exception and at a height necessary to satisfy their function in the WCF Applicant's wireless communications system.
 - (a) Upon submission of an application for a Tower-Based WCF and the scheduling of the public hearing upon the application, the WCF Applicant shall mail notice to all owners of every property within two thousand (2000) feet of the proposed facility. The WCF Applicant shall provide proof of the notification to the Township.
 - (b) Prior to the Board's approval of a Special Exception authorizing the construction and installation of Tower-Based WCF, it shall be incumbent upon the WCF Applicant for such Special Exception approval to prove to the reasonable satisfaction of the Board that the WCF Applicant cannot adequately extend or infill its communications system by the use of equipment such as redoes, repeaters, Antenna(s) and other similar equipment installed on existing structures, such as utility poles or their appurtenances and other available structures. The WCF Applicant shall further demonstrate that the proposed Tower-Based WCF must be located where it is proposed in order to serve the WCF Applicant's service area and that no other viable, less-intrusive alternative location exists.
 - (c) The Special Exception application shall be accompanied by a propagation study evidencing the need for the proposed tower or other communication facilities and equipment, a description of the type and manufacturer of the proposed transmission/radio equipment, the frequency range (megahertz band) assigned to the WCF Applicant, the power in watts at which the WCF Applicant transmits, and any relevant related tests conducted by the WCF Applicant in determining the need for the proposed site and installation.

- (d) The Special Exception application shall also be accompanied by documentation demonstrating that the proposed Tower-Based WCF complies with all state and federal laws and regulations concerning aviation safety.
 - (e) Where the Tower-Based WCF is located on a property that is not owned by the WCF Applicant, the WCF Applicant shall present documentation to the Board that the owner of the property has granted an easement, if necessary, for the proposed WCF and that vehicular access will be provided to the facility.
 - (f) The Special Exception application shall also be accompanied by documentation demonstrating that the proposed Tower-Based WCF complies with all applicable provisions of this Chapter.
- (3) Engineer Inspection. Prior to the Township's issuance of a permit authorizing construction and erection of a Tower-Based WCF, a structural engineer registered in Pennsylvania shall issue to the Township a written certification of the proposed WCF's ability to meet the structural standards offered by either the Electronic Industries Association or the Telecommunication Industry Association and certify the proper construction of the foundation and the erection of the structure. This certification shall be provided during the conditional hearings or at a minimum be made as a condition attached to any approval given such that the certification be provided prior to issuance of any building permits.
- (4) Visual Appearance and Land Use Compatibility. Tower-Based WCF shall employ Stealth Technology which may include the tower portion to be painted brown or another color approved by the Board or shall have a galvanized finish. All Tower-Based WCF and Accessory Equipment shall be aesthetically and architecturally compatible with the surrounding environment and shall maximize the use of a like facade to blend with the existing surroundings and neighboring buildings to the greatest extent possible. The Board shall consider whether its decision upon the subject application will promote the harmonious and orderly development of the zoning district involved; encourage compatibility with the character and type of development existing in the area; benefit neighboring properties by preventing a negative impact on the aesthetic character of the community; preserve woodlands and trees existing at the site to the greatest possible extent; and encourage sound engineering and land development design and construction principles, practices and techniques.

- (5) Collocation and siting. An application for a new Tower-Based WCF shall demonstrate that the proposed Tower-Based WCF cannot be accommodated on an existing or approved structure or building, or sited on land owned and maintained by the Township. The Board may deny an application to construct a new Tower-Based WCF if the WCF Applicant has not made a good faith effort to mount the commercial communications Antenna(s) on an existing structure. The WCF Applicant shall demonstrate that it contacted the owners of tall structures, buildings, and towers within a one half (½) of a mile radius of the site proposed, sought permission to install an Antenna on those structures, buildings, and towers and was denied for one of the following reasons:
- (a) The proposed Antenna and Accessory Equipment would exceed the structural capacity of the existing building, structure or tower, and its reinforcement cannot be accomplished at a reasonable cost.
 - (b) The proposed Antenna and Accessory Equipment would cause radio frequency interference with other existing equipment for that existing building, structure, or tower and the interference cannot be prevented at a reasonable cost.
 - (c) Such existing buildings, structures, or towers do not have adequate location, space, access, or height to accommodate the proposed equipment or to allow it to perform its intended function.
 - (d) A commercially reasonable agreement could not be reached with the owner of such building, structure, or tower.
- (6) Permit Required for Modifications. To the extent permissible under applicable state and federal law, any WCF Applicant proposing the Modification of an existing Tower-Based WCF, which increases the overall height of such WCF, shall first obtain a permit from the Township. To the extent permissible under law, non-routine Modifications shall be prohibited without a permit.
- (7) Gap in Coverage. A WCF Applicant for a Tower-Based WCF must demonstrate that a significant gap in wireless coverage or capacity exists in the applicable area and that the type of WCF being proposed is the least intrusive means by which to fill that gap in wireless coverage. The existence or non-existence of a gap in wireless coverage or capacity shall be a precondition to the Township's decision on an application for approval of Tower-Based WCF.
- (8) Additional Antennae. As a condition of approval for all Tower-Based WCF, the WCF Applicant shall provide the Township with a written commitment that it will allow other service providers to collocate Antennae on Tower-Based WCF where technically and economically feasible. To the extent permissible under state and federal law, the owner of a Tower-Based WCF shall not install any additional Antennae without obtaining the prior written approval of the Township.

- (9) Wind and ice. Any Tower-Based WCF structures shall be designed to withstand the effects of wind gusts and ice to the standard designed by the American National Standards Institute as prepared by the engineering departments of the Electronics Industry Association, and Telecommunications Industry Association (ANSI/EIA/TIA-222, as amended).
- (10) Height. Tower-Based WCFs shall be designed and kept at the minimum functional height. The maximum total height of a Tower-Based WCF, which is not located in the public ROW, shall not exceed one hundred fifty (150) feet, as measured vertically from the ground level to the highest point on the structure, including Antennae and subsequent alterations. No WCF Applicant shall have the right under these regulations to erect a tower to the maximum height specified in this section unless it proves the necessity for such height. The WCF Applicant shall demonstrate that the Antenna/tower/pole for the Tower-Based WCF is the minimum height necessary for the service area.
- (11) Accessory Equipment. Either one single-story wireless communications equipment building not exceeding five hundred (500) square feet in area or up to five metal boxes placed on a concrete pad not exceeding ten (10) feet by twenty (20) feet in area housing the receiving and transmitting equipment may be located on the site for each unrelated company sharing commercial communications Antenna(e) space on the Tower-Based Wireless Communications Facility greater than forty (40) feet.
- (12) Public Safety Communications. No Tower-Based WCF shall interfere with public safety communications or the reception of broadband, television, radio or other communication services enjoyed by occupants of nearby properties.
- (13) Maintenance. The following maintenance requirements shall apply:
 - (a) Any Tower-Based WCF shall be fully automated and unattended on a daily basis and shall be visited only for maintenance or Emergency repair.
 - (b) Such maintenance shall be performed to ensure the upkeep of the WCF in order to promote the safety and security of the Township's residents and utilize the best available technology for preventing failures and accidents.
- (14) Radio Frequency Emissions. A Tower-Based WCF shall not, by itself or in conjunction with other WCFs, generate radio frequency emissions in excess of the standards and regulations of the FCC, including but not limited to, the FCC Office of Engineering Technology Bulletin 65 entitled "Evaluating Compliance with FCC Guidelines for Human Exposure to Radio Frequency Electromagnetic Fields," as amended.

- (15) Historic Buildings or Districts. A Tower-Based WCF shall not be located upon a property that is listed on either the National or Pennsylvania Registers of Historic Places, or eligible to be so listed, or is included in the official historic structures list in the Eastern Berks Joint Comprehensive Plan.
- (16) Signs. All Tower-Based WCFs shall post a sign in a readily visible location identifying the name and phone number of a party to contact in the event of an Emergency. The only other signage permitted on the WCF shall be those required by the FCC, or any other federal or state agency.
- (17) Lighting. No Tower-Based WCF shall be artificially lighted, except as required by law. If lighting is required, the WCF Applicant shall provide a detailed plan for sufficient lighting, demonstrating as unobtrusive and inoffensive an effect as is permissible under state and federal regulations. The WCF Applicant shall promptly report any outage or malfunction of FAA-mandated lighting to the appropriate governmental authorities and to the Township Secretary.
- (18) Noise. Tower-Based WCF shall be operated and maintained so as not to produce noise in excess of applicable noise standards under state law and the Township Code, except in Emergency situations requiring the use of a backup generator, where such noise standards may be exceeded on a temporary basis only.
- (19) Retention of Experts. The Township may hire any consultant and/or expert necessary to assist the Township in reviewing and evaluating the application for approval of a Special Exception for the Tower-Based WCF and, once approved, in reviewing and evaluating any potential violations of the terms and conditions of these provisions. The WCF Applicant and/or owner of the WCF shall reimburse the Township for all costs of the Township's consultant(s) in providing expert evaluation and consultation regarding these activities.
- (20) Timing of Approval. Within thirty (30) calendar days of the date that an application for a Tower-Based WCF is filed with the Township, the Township shall notify the WCF Applicant in writing of any information that may be required to complete such application. All applications for Tower-Based WCFs shall be acted upon within one hundred fifty (150) days of the receipt of a fully completed application for the approval of such Tower-Based WCF and the Township shall advise the WCF Applicant in writing of its decision. If additional information was requested by the Township to complete an application, the time required by the WCF Applicant to provide the information shall not be counted toward the one hundred fifty (150) day review period.
- (21) Non-Conforming Uses. Non-conforming Tower-Based WCF which are hereafter damaged or destroyed due to any reason or cause may be repaired and restored at their former location but must otherwise comply with the terms and conditions of this section. The collocation of Antennae is permitted on non-conforming structures.

- (22) Removal. In the event that use of a Tower-Based WCF is planned to be discontinued, the owner shall provide written notice to the Township of its intent to discontinue use and the date when the use shall be discontinued. Unused or abandoned WCF or portions of WCF shall be removed as follows:
- (a) All unused or abandoned Tower-Based WCFs and accessory facilities shall be removed within ninety (90) days of the cessation of operations at the site unless a time extension is approved by the Township.
 - (b) If the WCF and/or accessory facility is not removed within ninety (90) days of the cessation of operations at a site, or within any longer period approved by the Township, the WCF and accessory facilities and equipment may be removed by the Township and the cost of removal assessed against the owner of the WCF.
 - (c) Any unused portions of Tower-Based WCF, including Antennae, shall be removed within ninety (90) days of the time of cessation of operations. The Township must approve all Replacements of portions of a Tower-Based WCF previously removed.
- (23) Permit Fees. The Township may assess appropriate and reasonable permit fees directly related to the Township's actual costs in reviewing and processing the application for approval of a Tower-Based WCF, as well as related inspection, monitoring, and related costs.
- (24) FCC License. Each Person that owns or operates a Tower-Based WCF over forty (40) feet in height shall submit a copy of its current FCC license, including the name, address, and Emergency telephone number for the operator of the facility.
- (25) Insurance. Each Person that owns or operates a Tower-Based WCF greater than forty (40) feet in height shall provide the Township with a certificate of insurance evidencing general liability coverage in the minimum amount of \$5,000,000 per occurrence and property damage coverage in the minimum amount of \$5,000,000 per occurrence covering the Tower-Based WCF. Each Person that owns or operates a Tower-Based WCF forty (40) feet or less in height shall provide the Township with a certificate of insurance evidencing general liability coverage in the minimum amount of \$1,000,000 per occurrence and property damage coverage in the minimum amount of \$1,000,000 per occurrence covering each Tower-Based WCF.

- (26) Indemnification. Each Person that owns or operates a Tower-Based WCF shall, at its sole cost and expense, indemnify, defend and hold harmless the Township, its elected and appointed officials, employees and agents, at all times against any and all claims for Personal injury, including death, and property damage arising in whole or in part from, caused by or connected with any act or omission of the Person, its officers, agents, employees or contractors arising out of, but not limited to, the construction, installation, operation, maintenance or removal of the Tower-Based WCF. Each Person that owns or operates a Tower-Based WCF shall defend any actions or proceedings against the Township in which it is claimed that Personal injury, including death, or property damage was caused by the construction, installation, operation, maintenance or removal of Tower-Based WCF. The obligation to indemnify, hold harmless and defend shall include, but not be limited to, the obligation to pay judgments, injuries, liabilities, damages, reasonable attorneys' fees, reasonable expert fees, court costs and all other costs of indemnification.
 - (27) Engineer signature. All plans and drawings for a Tower-Based WCF shall contain a seal and signature of a professional structural engineer, licensed in the Commonwealth of Pennsylvania.
 - (28) Financial security. Prior to receipt of a zoning permit for the construction or placement of a Tower-Based WCF, the WCF Applicant shall provide to the Township financial security sufficient to guarantee the removal of the Tower-Based WCF. Said financial security shall remain in place until the Tower-Based WCF is removed.
- b. In addition to the provisions listed in Section 636.3.a, the following regulations shall apply to Tower-Based WCFs located outside the Public Rights-of-Way:
- (1) Development Regulations.
 - (a) Tower-Based WCF shall not be located in, or within fifty (50) feet of an area in which utilities are primarily located underground.
 - (b) Tower-Based WCF are permitted outside the public Rights-of-Way in the both the C Conservation and A-1 Agricultural zoning districts by Special Exception, subject to the requirements of this Chapter.
 - (c) Sole use on a lot. A Tower-Based WCF shall be permitted as a sole use on a lot, provided that the underlying lot meets the minimum requirements of the underlying zoning district. The minimum distance between the base of a Tower-Based WCF and any adjoining property line or street Right-of-Way line shall equal 110% of the proposed WCF structure's height.

- (d) Combined with another use. A Tower-Based WCF may be permitted on a property with an existing use, or on a vacant parcel in combination with another use, except residential, subject to the following conditions:
 - A. The existing use on the property may be any permitted use in the applicable district, and need not be affiliated with the WCF.
 - B. Minimum lot area. The minimum lot shall comply with the requirements for the applicable zoning district and shall be the area needed to accommodate the Tower-Based WCF and guy wires, the equipment building, security fence, and buffer planting if the proposed WCF is greater than forty (40) feet in height.
 - C. Minimum setbacks. The minimum distance between the base of a Tower-Based WCF and any adjoining property line or street Right-of-Way line shall equal 110% of the proposed height of the Tower-Based WCF.
- (e) All Tower-Based WCF located outside of the public ROW shall require land development plan approval per the procedures established in the Subdivision and Land Development Ordinance.

(2) Design Regulations.

- (a) The WCF shall employ the most current Stealth Technology available in an effort to appropriately blend into the surrounding environment and minimize aesthetic impact. Application of the Stealth Technology chosen by the WCF Applicant shall be subject to the approval of the Township.
- (b) Any proposed Tower-Based WCF shall be designed structurally, electrically, and in all respects to accommodate both the WCF Applicant's Antennae and comparable Antennae for future users.
- (c) Any Tower-Based WCF over forty (40) feet in height shall be equipped with an anti-climbing device, as approved by the manufacturer.

(3) Surrounding Environs.

- (a) The WCF Applicant shall ensure that the existing vegetation, trees and shrubs located within proximity to the WCF structure shall be preserved to the maximum extent possible.

- (b) The WCF Applicant shall submit a soil report to the Township complying with the standards of Appendix I: Geotechnical Investigations, ANSI/EIA/TIA-222, as amended, to document and verify the design specifications of the foundation of the Tower-Based WCF, and anchors for guy wires, if used.
- (4) Fence/Screen.
 - (a) A security fence having a height not to exceed ten (10) feet shall completely surround any Tower-Based WCF greater than forty (40) feet in height, as well as guy wires, or any building housing WCF equipment.
 - (b) The landscaping shall consist of a screen of evergreen trees planted eight (8) feet on center, each at least four (4) feet in height, and staggered in two (2) rows, located along the perimeter of the security fence. Existing vegetation shall be preserved to the maximum extent possible.
- (5) Accessory Equipment.
 - (a) Ground-mounted Accessory Equipment associated or connected with a Tower-Based WCF greater than three (3) cubic feet shall not be located within fifty (50) feet of a lot in residential use.
 - (b) Ground-mounted Accessory Equipment associated, or connected, with a Tower-Based WCF shall be placed underground or screened from public view using Stealth Technologies, as described above.
 - (c) All Accessory Equipment, utility buildings and accessory structures shall be architecturally designed to blend into the environment in which they are situated and shall meet the minimum setback requirements of the underlying zoning district.
- (6) Access Road. An access road, turnaround space and parking shall be provided to ensure adequate Emergency and service access to Tower-Based WCF. Maximum use of existing roads, whether public or private, shall be made to the extent practicable. Road grades shall closely follow natural contours to assure minimal visual disturbance and minimize soil erosion. Where applicable, the WCF owner shall present documentation to the Township that the property owner has granted an easement for the proposed facility.
- (7) Parking. For each Tower-Based WCF greater than forty (40) feet in height, there shall be two off-street parking spaces.

- (8) Inspection. The Township reserves the right to inspect any Tower-Based WCF to ensure compliance with the Zoning Ordinance and any other provisions found within the Township Code or state or federal law. The Township and/or its agents shall have the authority to enter the property upon which a WCF is located at any time, upon reasonable notice to the operator, to ensure such compliance.
- c. In addition to the provisions listed in Section 636.3.a, the following regulations shall apply to Tower-Based WCFs in the Public Rights-of-Way:
- (1) Location and development standards.
 - (a) Tower-Based WCF in the public ROW are prohibited in areas in which utilities are located underground.
 - (b) Tower-Based WCF in the public ROW shall not be located in the front façade area of any structure.
 - (c) Tower-Based WCF in the public ROW shall be permitted along S.R. 1022 (Huffs Church Road) and S.R. 1030 (consisting of Oysterdale Road, a short section of Baldy Hill Road and Forgedale Road) regardless of the underlying zoning district. A map of roads within the Township may be viewed at the Township Building.
 - (2) Time, Place and Manner. The Township shall determine the time, place and manner of construction, maintenance, repair and/or removal of all Tower-Based WCF in the ROW based on public safety, traffic management, physical burden on the ROW, and related considerations. For public utilities, the time, place and manner requirements shall be consistent with the police powers of the Township and the requirements of the Public Utility Code.
 - (3) Equipment Location. Tower-Based WCF and Accessory Equipment shall be located so as not to cause any physical or visual obstruction to pedestrian or vehicular traffic, or to otherwise create safety hazards to pedestrians and/or motorists or to otherwise inconvenience public use of the ROW as determined by the Township. In addition:
 - (a) In no case shall ground-mounted Accessory Equipment, walls, or landscaping be located within 18 inches of the face of the curb, four (4) feet of the edge of the cartway or within an easement on a privately-owned lot.
 - (b) Ground-mounted Accessory Equipment that cannot be placed underground shall be screened, to the fullest extent possible, through the use of landscaping or other decorative features to the satisfaction of the Township.

- (c) Required electrical meter cabinets shall be screened to blend in with the surrounding area to the satisfaction of the Township.
 - (d) Any graffiti on the tower or on any Accessory Equipment shall be removed at the sole expense of the owner
 - (e) Any underground vaults related to Tower-Based WCFs shall be reviewed and approved by the Township.
- (4) Design regulations.
- (a) The WCF shall employ the most current Stealth Technology available in an effort to appropriately blend into the surrounding environment and minimize aesthetic impact. The application of the Stealth Technology chosen by the WCF Applicant shall be subject to the approval of the Township.
 - (b) Tower-Based WCF in the public ROW shall not exceed forty (40) feet in height.
 - (c) To the extent permissible under state and federal law, any height extensions to an existing Tower-Based WCF shall require prior approval of the Township, and shall not increase the overall height of the Tower-Based WCF to more than forty (40) feet.
 - (d) Any proposed Tower-Based WCF shall be designed structurally, electrically, and in all respects to accommodate both the WCF Applicant's Antennae and comparable Antennae for future users.
- (5) Relocation or Removal of Facilities. Within ninety (90) days following written notice from the Township, or such longer period as the Township determines is reasonably necessary or such shorter period in the case of an Emergency, an owner of Tower-Based WCF in the ROW shall, at its own expense, temporarily or permanently remove, relocate, change or alter the position of any WCF when the Township, consistent with its police powers and applicable Public Utility Commission regulations, shall determine that such removal, relocation, change or alteration is reasonably necessary under the following circumstances:
- (a) when the WCF interferes with the construction, repair, maintenance or installation of any Township or other public improvement in the Right-of-Way;
 - (b) when the WCF interferes with the operations of the Township or other governmental entity in the Right-of-Way;
 - (c) when the Township or other governmental entity vacates a street or road or releases a utility easement; or

- (d) when an Emergency occurs as determined by the Township.
- (6) Reimbursement for ROW Use. In addition to permit fees as described in this section, every Tower-Based WCF in the ROW is subject to the Township's right to fix annually a fair and reasonable fee to be paid for use and occupancy of the ROW. Such compensation for ROW use shall be directly related to the Township's actual ROW management costs including, but not limited to, the costs of the administration and performance of all reviewing, inspecting, permitting, supervising and other ROW management activities by the Township. The owner of each Tower-Based WCF shall pay an annual fee to the Township to compensate the Township for the Township's costs incurred in connection with the activities described above.

ARTICLE VII

NONCONFORMING USES, LOTS AND STRUCTURES/BUILDINGS

Section 700. STATEMENT OF INTENT

Within the Zoning Districts established by this Ordinance or subsequent amendments thereto, there exist or will exist certain nonconformities which, if lawful before this Ordinance was passed or amended, may be continued, subject to certain limitations, although such nonconformities would be prohibited, regulated, or restricted under the terms of this Ordinance or subsequent amendments thereto.

To avoid undue hardship, nothing in this Ordinance shall be deemed to require a change in the plans, construction, or designated use of any building or structure on which actual construction was lawfully begun prior to the effective date of adoption or amendment of this Ordinance and on which actual building construction has, in the opinion of the Zoning Officer, been diligently carried on.

Section 701. NONCONFORMING USES OF LAND

Lawful uses of land, which at the effective date of the original District Township Zoning Ordinance of 1971, or as a result of subsequent amendments thereto, become nonconforming, may be continued by the present or any subsequent owner so long as it remains otherwise lawful, subject to the following provisions:

1. Expansion

- a. Except as provided in b. below, no such nonconforming use shall be enlarged or increased nor extended to occupy a greater area of land than was owned, leased or under option to purchase by the user of the nonconforming use at the effective date of adoption or amendment of this Ordinance.
- b. Future expansion of a nonconforming use shall not exceed ten percent (10%) of the land area occupied by the use at the time it first became a nonconforming use, except when a special exception is granted by the Zoning Hearing Board expansion may be allowed between 10% and 25%.
- c. Expansion of a nonconforming use shall not exceed fifty percent (50%) of the land area occupied by the use at the time it first became a nonconforming use.

2. Discontinuance

Whenever a nonconforming use has been discontinued for a period of 12 consecutive months, such use shall be deemed to be abandoned and shall not thereafter be reestablished. Any future use shall be in conformity with the provisions of this Ordinance.

3. Changes or Moving of Use

- a. A nonconforming use, if changed to a conforming use, shall not thereafter be changed back to any nonconforming use.
- b. A nonconforming use may, by Special Exception, be changed to another nonconforming use provided that the Zoning Hearing Board shall find that the proposed use is equally appropriate or more appropriate in the zoning district than the existing nonconforming use and is not more detrimental to the surrounding neighborhood. The Zoning Hearing Board may specify appropriate conditions and safeguards when granting a Special Exception.

4. Additional Structures or Buildings

Additional structures or buildings or any type of expansions of existing buildings or structures erected in connection with such nonconforming use of land shall conform to the area, yard and height requirements of this Ordinance.

Section 702. NONCONFORMING STRUCTURES OR BUILDINGS

Structures or buildings which at the effective date of this Ordinance or subsequent amendments thereto become nonconforming by reason of restrictions on area, lot coverage, height, yards, location on the lot, or other requirements concerning the building or structure, may be continued to be used so long as such structure or building remains otherwise lawful, subject to the following provisions:

1. Enlargement

- a. A principal building which existed at the effective date of this Ordinance which is nonconforming as to yard requirements may have repairs, improvements, maintenance, modifications and additions made to those portions of the building located within the required yard, provided that no repair, improvement, maintenance, modification or addition shall be made which will cause any part of the building to project into the yard farther than the building did at the effective date of this Ordinance. The total floor area constructed within required yards under this provision over time shall not exceed six hundred (600) square feet and only one (1) permit shall be issued by the Township over time for construction within required yards under this provision unless a Special Exception is granted by the Zoning Hearing Board.
- b. Except as provided in a. above, no nonconforming building or structure may be enlarged or altered in a way which increases its nonconformity, but any building or structure or portion thereof may be altered to decrease its nonconformity.
- c. Nonconforming signs shall not be expanded.

2. Damage or Destruction

Any nonconforming structure or building that is demolished or removed by the owner or damaged or destroyed by fire, explosion, accident or calamity may be reconstructed and used as before provided that the building shall not be reconstructed in any way which increases its nonconformity and provided that the reconstruction shall begin within twelve (12) months of the date of demolition, damage or destruction, and be carried out to completion without any interruption that is in the control of the owner, and the reconstructed building shall pose no hazard to public safety by virtue of its location.

4. Moving of Structure or Building

No nonconforming structure or building shall be, for any reason, moved for any distance unless it shall thereafter conform to the zoning regulations for the district in which it is located after it is moved.

Section 703. NONCONFORMING USES OF STRUCTURES OR BUILDINGS

Lawful uses of structures or buildings which at the effective date of this Ordinance or as a result of subsequent amendments thereto become nonconforming may be continued subject to the following provisions:

1. Extension

- a. A nonconforming use may be extended throughout any part of an existing structure or building, or a new extension may be constructed on the same lot, provided that any structural alterations, extensions or additions shall comply with all provisions of this Ordinance with respect to height, area, width, yard and coverage requirements for the Zoning District in which the structure or building is located. However, such extension of a nonconforming use shall not exceed twenty-five percent (10%) of the principal buildings' gross floor area occupied by the use at the time it first became a nonconforming use, except when a Special Exception is granted by the Zoning Hearing Board expansion may be allowed between 10% and 25% of the gross floor area of principal buildings occupied by said nonconforming use at the time such nonconforming use became nonconforming.
- b. A nonconforming use shall not occupy a portion of a building containing a conforming use on the effective date of this Ordinance or amendment thereto.
- c. Notwithstanding the above, for residential nonconforming uses, no structural or other alterations, extensions or additions shall be made which would increase the number of dwelling units.

2. Change of Use

- a. A nonconforming use of a building or structure, if changed to a conforming use, shall not thereafter be changed back to any nonconforming use.

- b. A nonconforming use may, by Special Exception, be changed to another nonconforming use provided that the Zoning Hearing Board shall find that the proposed use is equally appropriate or more appropriate in the zoning district than the existing nonconforming use and is not more detrimental to the surrounding neighborhood. The Zoning Hearing Board may specify appropriate conditions and safeguards when granting a Special Exception.

3. Discontinuance

Whenever a nonconforming use of a structure or building or portion thereof has been discontinued or abandoned for twelve (12) consecutive months, such structure or building or portion thereof shall not thereafter be used for a nonconforming use.

4. Damage or Destruction

Any structure or building containing a nonconforming use that is damaged or destroyed by fire, explosion, accident or calamity may be reconstructed and used as before provided that gross floor area of the building that contains the nonconforming use does not exceed the area occupied by the use when it first became nonconforming plus 10%. The reconstruction shall begin within twelve (12) months of the date of damage or destruction and be carried out to completion without any interruption that is in the control of the owner, and the reconstructed building shall pose no hazard to public safety by virtue of its use. Additional expansion of the use shall only be allowed if a Special Exception is granted by the Zoning Hearing Board and the expansion of the use shall not occupy more than 10% of the gross floor area of the building or structure when it first became nonconforming.

Section 704. UNSAFE OR UNLAWFUL STRUCTURES OR BUILDINGS

If a nonconforming structure or building or portions thereof containing a nonconforming use becomes physically unsafe or unlawful due to lack of repairs or maintenance, and is declared by the Building Inspector to be unsafe or unlawful by reason of physical condition, such structure or building shall not thereafter be restored, repaired, or rebuilt except in conformity with the regulations of the zoning district in which it is located.

Section 705. USES UNDER SPECIAL EXCEPTION OR CONDITIONAL USE PROVISIONS ARE NOT NONCONFORMING USES

Any use which is permitted as a special exception or conditional use in a zoning district under the terms of this Ordinance (other than a change by special exception from one nonconforming use to another nonconforming use) shall not be deemed a nonconforming use in such Zoning District, but shall without further action be considered a permitted use.

Section 706. NONCONFORMING LOTS OF RECORD

1. Contiguous Undeveloped Lots

- a. Where two or more contiguous lots are held in single and separate ownership on the effective date of this Ordinance, any of which lots are individually not of the required minimum area or minimum width at the building setback line for the district in which they are situated, then:
 - (1) Such lots shall be considered an undivided property for the purposes of this Ordinance, and such lots may only be developed together or in groups in order to provide the minimum area and width required.
 - (2) When all such lots are combined and still do not meet area and/or width requirements, they may be considered a single nonconforming lot in accordance with Section 706.1 herein.
 - (3) Such lots or portions of lots shall not be sold, conveyed, or otherwise transferred individually unless, both the lots being transferred and the lots being retained, consist of sufficient property to satisfy zoning standards, or the complete set of lots in single ownership that do not satisfy zoning standards are sold, conveyed or otherwise transferred.
 - (4) Such lots shall not be subdivided in a manner that creates any lot with width or area below the requirements stated in this Ordinance.
- b. These sections shall not apply to an approved preliminary or final subdivision plan for a period of five (5) years.

2. Development of Nonconforming Lots

Except as otherwise provided above, in any Zoning District, permitted structures and accessory buildings may be erected on any single lot of record at the effective date of adoption or amendment of this Ordinance, notwithstanding limitations imposed by other provisions of this Ordinance, even though such lot fails to meet the requirements for area or width at the building setback line, or both, that are applicable in the district, provided that all other minimum and maximum regulations including yard, height, coverage, width at street line, and open area requirements for the Zoning District in which such lot is located shall be met. Variance of any other minimum and maximum regulations including yard, height, coverage, width at street line, and open area requirements shall be obtained only through action of the Zoning Hearing Board.

ARTICLE VIII

ADMINISTRATION AND ENFORCEMENT

Section 800. ZONING OFFICER

1. Appointment

A Zoning Officer shall be appointed by the Township Supervisors to administer and enforce this Zoning Ordinance. The Zoning Officer shall not hold any elective office in the Township. The Zoning Officer shall meet qualifications established by the Supervisors and shall be able to demonstrate to the satisfaction of the Supervisors a working knowledge of municipal zoning.

2. Duties and Powers

It shall be the duty of the Zoning Officer to administer this Zoning Ordinance in accordance with its literal terms and to enforce the provisions of this Ordinance and the amendments thereto. The Zoning Officer shall not have the power to permit any construction or any use or any change of use which does not conform to the Zoning Ordinance. He shall have such duties and powers as are conferred on him by this Ordinance and as are reasonably implied for that purpose. The Zoning Officer's duties shall include, but are not limited to, the following:

- a. Receive and review applications for permits as set forth in this Ordinance.
- b. Keep a record of all official business and activities, including complaints of a violation of any of the provisions of this Ordinance and of the subsequent action taken on each such complaint. All such records shall be open to public inspection. File copies of all applications received, approvals issued, and reports and inspections made in connection with any structure, building, sign and/or land shall be retained as long as the structures, etc. remain in existence.
- c. Make inspections as required to fulfill his duties. In doing so, however, he shall first seek the permission of the landowner or tenant, and in the event such permission cannot be voluntarily obtained, he shall have the right to take such other means as are authorized under the law.
- d. Issue approvals for buildings, structures, and land uses for which Subdivision and Land Development approval is required only after all necessary approvals have been secured and plans recorded.
- e. Issue approvals for special exception uses, conditional uses or for variances only after a special exception or variance has been approved by the Zoning Hearing Board or a conditional use has been approved by the Supervisors in accordance with the regulations of this Ordinance and the Pennsylvania Municipalities Planning Code, as amended.

- f. Issue approvals for buildings requiring approval by the Pennsylvania Department of Labor and Industry only after such approval has been secured. Issue approvals for a use involving an access point requiring Pennsylvania Department of Transportation approval only after such approval has been secured.
- g. Be responsible for keeping this Ordinance and the Official Zoning Map up to date so as to include all amendments thereto.
- h. Issue Certificates of Use and Occupancy in accordance with the terms of this Ordinance.
- i. Send enforcement notices as provided for in this Zoning Ordinance.
- j. Submit a monthly report of his activities to the Supervisors, and where appropriate, submit a report to the Zoning Hearing Board.
- k. Institute civil enforcement proceedings as a means of enforcement when acting within the scope of the Officer's employment, when authorized by the Supervisors.
- l. When directed by the Supervisors, identify and register nonconforming uses, structures and lots, together with the reason why the Zoning Officer identified them as nonconformities.
- m. Receive and refer applications for special exceptions to the Zoning Hearing Board.
- n. Receive applications for interpretation appeals and variances, following refusal of a permit, and forward these applications to the Zoning Hearing Board.

Section 801. ZONING PERMITS

1. Requirements

Land, buildings and structures shall not be put to any use or have the use for which they are used changed or expanded, structures shall not be built or installed, nor shall any conversion which increases the number of dwelling units or additional activity accessory to the primary use occur without a permit therefor issued by the Zoning Officer, unless otherwise provided for in this Ordinance. No such permit shall be issued unless there is conformity with the provisions of this Ordinance, except upon written order from the Zoning Hearing Board in the form of a variance or upon order from any court of competent jurisdiction.

No permit will be required for an accessory building of a size less than 200 square feet, except as required by Section 635.1 provided however that placement of said accessory building must meet applicable setback line requirements or in the case of a non-conforming lot, not encroach further upon any setback line requirement.

2. Application Procedures

The application for a Zoning Permit shall be submitted to the Zoning Officer in writing on a form prescribed by the Township. The application shall be submitted by the owner or lessee of any building, structure or land or the agent of either provided, however, that if the application is made by a person other than the owner or lessee, it shall be accompanied by a written authorization from the owner or lessee authorizing the work and designating the agent. The application shall be accompanied by two sets of at least the following information:

- a. A plan of the lot in question, indicating the lot size and showing all dimensions of lot lines, the location(s) on the lot of all existing and proposed buildings, fences, signs, structures and alterations to buildings or structures, and distances of such features from lot lines. The plan shall be drawn to scale and show exact locations.
- b. The use, height, length, width and proportion of the total lot area covered of all proposed and existing buildings, structures and additions or alterations to buildings or structures, and the height, length, width, illumination and design of all signs. Proposed buildings, additions, and external alterations shall be described.
- c. A statement indicating the number of dwelling units and/or uses to be accommodated within existing and proposed buildings on the lot and the floor area to be devoted to each use.
- d. The location, dimensions, grade and design of parking and loading areas including the size and arrangement of all spaces and means of ingress, egress and interior circulation, recreation areas, screens, buffer yards and landscaping, means of egress from and ingress to the lot, routes for pedestrian and vehicular traffic, and provisions for outdoor lighting. The percentage of the lot which is paved and is open area.
- e. The location of all utility lines.
- f. All other information necessary for the Zoning Officer to determine conformance with and provide for enforcement of this Ordinance.
- g. Name and address of the applicant and the owners of the real estate involved and a description of and location of the real estate involved.

3. Approval or Disapproval

Upon receipt of the Zoning Permit application and all accompanying information, the Zoning Officer shall examine them and determine compliance with this Zoning Ordinance. Within thirty (30) days from the date the Officer receives the application, a copy of the Zoning Officer's decision with respect to compliance with this Ordinance shall be returned to the applicant. A copy shall be retained by the Zoning Officer. The Zoning Permit shall expire six (6) months from the date of approval of the application by the Zoning Officer if work described in the permit has not begun.

If disapproved, the Zoning Officer shall attach a statement to the application explaining the reasons therefor, indicating the manner in which the application could be corrected and/or modified to obtain approval, and informing the applicant of his rights to appeal.

If the work authorized in the Zoning Permit is commenced within six (6) months after approval of the application by the Zoning Officer, the permit shall expire one (1) year from the date of issuance, provided that the permit may be extended at the discretion of the Zoning Officer for a period not exceeding one (1) year.

The Zoning Officer shall revoke a permit issued under the provisions of the Zoning Ordinance in case of any false statement or misrepresentation of fact in the application on which the approval was based or for any other cause set forth in the Zoning Ordinance.

Section 802. CERTIFICATE OF USE AND OCCUPANCY

1. Requirements

It shall be unlawful to put to use any building, structure or land or portion thereof for which a Zoning Permit is required or to change the use of any building, structure or land or portion thereof until a Certificate of Use and Occupancy has been issued by the Township. A Certificate of Use and Occupancy shall not be issued unless such building, structure or land has been inspected by the Zoning Officer or other designated Township official and he has determined that all provisions of this Zoning Ordinance have been complied with. The lot shall be graded, construction debris shall be removed from the lot, and the Building Inspector shall indicate compliance with the Building Code.

2. Upon receipt of written notification that the applicant is ready to use the premises for which a permit has been issued or for a change in use, the Zoning Officer or other designated Township official shall inspect the premises within ten (10) days to determine compliance with the approved application and the Zoning Ordinance. If in compliance, he shall approve and sign a Certificate of Use and Occupancy for the use indicated on the approved application. A copy of the Certificate of Use and Occupancy shall be retained by the Zoning Officer as part of the Township records. If he finds that the work has not been performed or that the use of the premises does not comply with the approved application and the Zoning Ordinance, the Township official shall refuse to approve and sign the Certificate of Use and Occupancy and in writing give the reasons therefor and inform the applicant of his right of appeal.

In zoning districts in which performance standards are imposed, no Certificate of Use and Occupancy shall become permanent until the Zoning Officer has reinspected the facility and determined that it is in compliance with all performance standards. The owner of the facility shall request that the Zoning Officer reinspect said facility. Such request shall be made no less than thirty (30) nor more than forty-five (45) days after the facility is fully operating, but in no event shall such request be made more than one hundred and twenty (120) days after the Certificate of Use and Occupancy has been issued. The Zoning Officer shall reinspect the facility within thirty (30) days of receipt of such notification, and he shall notify the applicant, in writing, within ten (10) days thereof that a) the facility is in full compliance with all performance standards and the Certificate of Use and Occupancy is permanent or b) the facility does not comply with the performance standards and that the Certificate of Use and Occupancy is still temporary and may be revoked if the applicant does not correct all violations. Requests for additional reinspection and action by the Zoning Officer for correction of violations shall follow the same procedure and requirement as described in this paragraph for reinspections.

3. Temporary Use Permit

The Zoning Officer may issue a Temporary Use Permit for such temporary uses as tents, trailers, and buildings on construction sites. The Supervisors may authorize a Temporary Use Permit for a structure or use which it deems beneficial to the public health or general welfare or which it deems necessary to promote the proper development of the Township, provided that such structure or use shall be completely removed upon expiration of the Temporary Use Permit without cost to the Township.

Such Temporary Use Permits shall be for the period of time to be determined by the Zoning Officer or Supervisors, as applicable, at the time of application, but in no case shall any Certificates, except those for uses on construction sites, be issued for more than six (6) months.

Section 803. SIGN PERMITS

Sign permits are required pursuant to Section 607 of this Ordinance.

Section 804. SCHEDULE OF FEES, CHARGES AND EXPENSES

The Township Supervisors shall establish, by resolution, a schedule of fees and charges for Zoning Permits, certificates of use and occupancy, special exceptions, variances, appeals, conditional uses, amendments to this Ordinance and other matters pertaining to this Ordinance. A collection procedure shall also be established. Until all application fees and charges have been paid in full, no action shall be taken on any application or other matter relating thereto.

Section 805. AMENDMENTS

The provisions of this Ordinance and the boundaries of zoning districts as set forth on the Official Zoning Map may from time to time be amended, supplemented, or changed by the Township Supervisors in accordance with the procedures established in the Pennsylvania Municipalities Planning Code, as amended.

1. The procedures upon landowner and municipal curative amendments shall be as established in the Pennsylvania Municipalities Planning Code, as amended.

2. Submission of Impact Statement

In the case of a zoning amendment initiated by other than the Township Supervisors or Planning Commission, a statement indicating the impact of the zoning change on the Township shall be submitted at the time of the public hearing on the application. The statement shall compare the impact on the Township resulting from the existing zoning with the impact resulting from the proposed zoning, specifically discussing:

Environmental Impact - The impact on floodplains, wetlands or areas of high water table, storm water runoff, erosion and sedimentation, water quality, air quality, solid waste generation, and noise levels.

Traffic Impact - The impact on traffic generation per day and at peak hours, including numbers and routes expected to be used. An analysis of traffic capacities of adjacent roads and intersections and roads and intersections to be significantly affected by the zoning change shall be prepared.

Services Impact - The demand for school, police, sanitary sewer, water, sanitation, and road maintenance services.

Fiscal Impact Analysis - The costs and revenues to the Township and School District.

Section 806. CAUSES OF ACTION

1. In case any building, structure, landscaping or land is, or is proposed to be, erected, constructed, reconstructed, altered, converted maintained or used in violation of this Ordinance, the Township Supervisors or, with the approval of the Supervisors, an officer of the Township, or any aggrieved owner or tenant of real property who shows that his property or person will be substantially affected by the alleged violation, in addition to other remedies, may institute any appropriate action or proceeding to prevent, restrain, correct or abate such building, structure, landscaping or land, or to prevent, in or about such premises, any act, conduct, business or use constituting a violation. When any such action is instituted by a landowner or tenant, notice of that action shall be served upon the Township at least 30 days prior to the time the action is begun by serving a copy of the complaint on the Supervisors. No such action may be maintained until such notice has been given.

Section 807. ENFORCEMENT NOTICE

1. If it appears to the Township that a violation of this Zoning Ordinance has occurred, the Township shall initiate enforcement proceedings by sending an enforcement notice as provided for in the Pennsylvania Municipalities Planning Code, as amended.

2. The enforcement notice shall be sent to the owner of record of the parcel on which the violation has occurred, to any person who has filed a written request to receive enforcement notices regarding that parcel, and to any other person requested in writing by the owner of record.

3. An enforcement notice shall state at least the following:
 - a. The name of the owner of record and any other person against whom the Township intends to take action.
 - b. The location of the property in violation.
 - c. The specific violation with a description of the requirements which have not been met, citing in each instance the applicable provisions of this Ordinance.
 - d. The date before which the steps for compliance must be commenced and the date before which the steps must be completed.
 - e. That the recipient of the notice has the right to appeal to the Zoning Hearing Board within a prescribed period of time in accordance with procedures set forth in this Ordinance.
 - f. That failure to comply with the notice within the time specified, unless extended by appeal to the Zoning Hearing Board, constitutes a violation, with possible sanctions clearly described.

Section 808. ENFORCEMENT REMEDIES

1. Any person, partnership or corporation who or which has violated or permitted the violation of the provisions of this Zoning Ordinance shall, upon being found liable therefore in a civil enforcement proceeding commenced by the Township, pay a judgment of not more than \$500 plus all court costs, including reasonable attorney fees incurred by the Township as a result thereof. No judgment shall commence or be imposed, levied or be payable until the date of the determination of a violation by the district justice. If the defendant neither pays nor timely appeals the judgment, the Township may enforce the judgment pursuant to the applicable rules of civil procedures. Each day that a violation continues shall constitute a separate violation, unless the district justice determining that there has been a violation further determines that there was a good faith basis for the person, partnership or corporation violating the ordinance to have believed that there was no such violation, in which event there shall be deemed to have been only one such violation until the fifth day following the date of the determination of a violation by the district justice and thereafter each day that a violation continues shall constitute a separate violation. All judgments, costs and reasonable attorney fees collected for the violation of this Zoning Ordinance shall be paid over to the Township.

Section 809. APPEALS

Proceedings for securing review of any ordinance or of any decision, determination or order of the Township Supervisors, their agencies, the Zoning Hearing Board, or Zoning Officer issued pursuant to this Ordinance shall be in accordance with the Pennsylvania Municipalities Planning code, amended.

Section 810. CONDITIONAL USE REGULATIONS

1. General

Wherever this ordinance provides for conditional uses to be authorized by the Township Supervisors, the procedures set forth in this Section shall be the exclusive mode for securing authorization for or approval of any such conditional use, and the Supervisors shall give consideration to any such conditional use in accordance with the provisions of this Section.

2. Applications

An application for a conditional use shall be made in writing to the Supervisors and shall be accompanied by the written material and data required by this Ordinance for a Zoning Permit, along with such other written and graphic material as may be required by the Supervisors in order to adequately make the decisions and determinations required by this Ordinance, and the names and addresses of all adjacent landowners. All applications, along with the written material and data required by this Ordinance, shall be submitted in quadruplicate, and shall be accompanied by such fees as shall be set forth in a resolution of the Supervisors.

3. Conduct of Hearings

- a. The Supervisors shall hold public hearing upon an application for a conditional use within sixty (60) days after the filing of said application unless the applicant has agreed in writing to an extension of time. Each subsequent hearing before the Supervisors shall be held within 45 days of the prior hearing, unless otherwise agreed to by the applicant in writing or on the record. An applicant shall complete the presentation of his case-in-chief within 100 days of the first hearing. Upon the request of the applicant, the Supervisors shall assure that the applicant receives at least seven hours of hearings within the 100 days, including the first hearing. Persons opposed to the application may, upon the written consent or consent on the record by the applicant and the Township, be granted additional hearings to complete their opposition to the application provided the applicant is granted an equal number of additional hearings for rebuttal. At least thirty (30) days prior to said hearing, the Supervisors shall submit one (1) copy of the application, together with the written material and data required by this Ordinance, to the Township Planning Commission to provide the Planning Commission the opportunity to submit its recommendations with regard thereto.
- b. The Supervisors shall give written notice of any public hearing upon an application for a conditional use to the applicant, to the zoning officer, to any person who has made timely request for the same, and shall give public notice of any such public hearing in accordance with the provisions of the Pennsylvania Municipalities Planning Code.

- c. The parties to the hearing shall be the applicant, any person affected by the application who has made timely appearance of record before the Supervisors, and any other person including civic or community organizations permitted to appear by the Supervisors. The Supervisors shall have power to require that all persons who wish to be considered parties enter appearances in writing on forms provided by the Supervisors for that purpose.
- d. The parties shall have the right to be represented by counsel and shall be afforded the opportunity to present evidence and argument and to cross-examine adverse witnesses on all relevant issues.
- e. Formal rules of evidence shall not apply, but irrelevant, immaterial, or unduly repetitious evidence may be excluded.
- f. The Supervisors shall keep a stenographic record of the proceedings, and a transcript of the proceedings and copies of the graphic or written material received in evidence shall be made available to any party at cost.

4. Decision By the Supervisors

The Supervisors shall render a written decision upon application for a conditional use within forty-five (45) days after the last public hearing before the Supervisors. In authorizing or approving any such conditional use the Supervisors shall have power to attach such reasonable conditions and safeguards as it may deem necessary to implement the purposes of this Ordinance. Where the application is contested or denied, each such written decision shall be accompanied by findings of fact and conclusions based thereon together with the reasons therefor. Conclusions based on any provisions of the Pennsylvania Municipalities Planning Code or any ordinance, rule or regulation shall contain a reference to the provision relied on and the reasons why the conclusion is deemed appropriate in light of the facts found. Where the Supervisors have power to render a decision and fails to render the same within the period required by this section, or fails to commence, conduct or complete the required hearing as provided for in this section, within sixty (60) days from the date of the applicant's request for a hearing or fails to complete the hearing no later than 100 days after the completion of the applicant's case in chief, unless extended for good cause upon application to the court of common pleas, the decision shall be deemed to have been rendered in favor of the applicant unless the applicant has agreed in writing or on the record to an extension of time. Nothing in this subsection shall prejudice the right of any party opposing the application to appeal the decision to a court of competent jurisdiction. When a decision has been rendered in favor of the applicant because of the failure of the Supervisors to meet or render a decision as hereinabove provided, the Supervisors shall give public notice of the decision within ten (10) days from the last day it could have met to render a decision in the same manner as required by the public notice requirements of this act. If the Supervisors shall fail to provide such notice, the applicant may do so.

A copy of the written decision shall be delivered to the applicant personally or mailed to him not later than the day following its date. To all other persons who have filed their name and address with the Supervisors not later than the date of the last public hearing before the Supervisors, the Supervisors shall provide, by mail or otherwise, brief notice of the decision and the statement of the place at which the full decision may be examined.

5. General Standards

In approving any such use, the Supervisors shall take into consideration the public health, safety, welfare and the comfort and convenience of the public in general and the residents of the immediate neighborhood in particular, and may prescribe appropriate conditions and safeguards as may be required in order that the result of its action may, to the maximum extent possible, further the express intent of this Ordinance. In considering any application for a conditional use, the Supervisors shall, among other things:

- a. Assure itself that the proposed use is consistent with the spirit, purpose and intent of this Ordinance and specifically authorized as a conditional use.
- b. Determine that the proposed use will not substantially injure or detract from the use of the neighborhood property or from the character of the neighborhood, and that the use of the property adjacent to the area included in the proposed application is adequately safeguarded.
- c. Determine that the proposed use will serve the best interest of the Township, the convenience of the community, and the public health, safety and welfare.
- d. Consider the effect of the proposed use upon the logical, efficient and economical extension of public services and facilities such as public water, sewers, police and fire protection, and public schools, and assure adequate arrangements for sanitation in specific instances.
- e. Determine that the use complies with all specified standards for the use.
- f. Be guided in its study, review and recommendation by sound standards of land development practice where applicable.
- g. Guide the development of highway frontage insofar as possible so as to limit the total number of access points and to encourage the frontage of buildings on parallel marginal roads or on roads perpendicular to the highway.
- h. Give consideration as to whether the property/proposal complies with Section 614.7.

6. Compliance

Nothing in this Ordinance shall relieve the owner or his agent, the developer, or the applicant for the conditional use approval from receiving a subdivision plan approval in accordance with the Township Subdivision and Land Development Ordinance.

7. Effect of Conditional Use Approval

Any use for which a conditional use permit may be granted shall be deemed to be a conforming use in the zoning district in which such use is located, provided that such permit shall be deemed to affect only the lot or portion thereof for which such permit shall have been granted.

ARTICLE IX

ZONING HEARING BOARD

Section 900. CREATION AND ORGANIZATION

1. The Township Supervisors shall appoint a Zoning Hearing Board, herein referred to as the "Board", consisting of residents of the Township, appointed by the Supervisors pursuant to the Pennsylvania Municipalities Planning Code, as amended, who shall be appointed and removed, serve and perform all the duties and have all the powers as prescribed by said Code and as herein provided.

The Supervisors may appoint alternate members of the Board pursuant to the provisions of the Pennsylvania Municipalities Planning Code, as amended. The alternate members may serve as provided for in said code.

2. Organization

The Board may promulgate such rules and forms for its procedures, not inconsistent with this and other Ordinances of the Township and laws of the Commonwealth of Pennsylvania, as it may deem necessary for the proper performance of its duties and for the proper exercise of its powers. Such rules shall be continued in force and effect until amended or repealed by the Board or by law. The Board shall elect from its own membership its officers who shall serve annual terms as such and may succeed themselves.

3. Meetings

Meetings and hearings of the Board shall be held at the call of the chairman and at such other times as the Board, by majority vote, may determine. Public notice shall be given as required by the Pennsylvania Municipalities Planning Code.

4. Minutes and Records

The Board shall keep full public records of its proceedings showing the vote of each member upon each question, or if absent or failing to vote indicating such fact. The Board shall also keep full public records of its business and other official action, copies of which shall be filed with the Township Secretary. Such records shall be the property of the Township. The Board shall submit a report of its activities to the Supervisors as requested by the Supervisors.

Section 901. PUBLIC HEARINGS

The Board shall conduct public hearings and make decisions in accordance with the provisions of the Pennsylvania Municipalities Planning Code and the following requirements:

1. Public notice as defined by law shall be given and written notice shall be given to the applicant, the Zoning Officer, such other persons as the Supervisors shall designate by ordinance and to any person who has made timely request for the same. Written notices shall be given at such time and in such manner as shall be prescribed by Ordinance or, in the absence of Ordinance provision, by rules of the Board. In addition to the written notice provided herein, written notice of said hearing shall be conspicuously posted on the affected tract of land at least one week prior to the hearing.
2. The hearings shall be conducted by the Board or the Board may appoint any member or an independent attorney as a hearing officer. The decision, or, where no decision is called for, the findings shall be made by the Board; however, the appellant or the applicant, as the case may be, in addition to the Township, may, prior to the decision of the hearing, waive decision or findings by the Board and accept the decision or findings of the hearing officer as final.
3. The Supervisors may prescribe reasonable fees with respect to hearings before the Zoning Hearing Board. Fees for said hearings may include compensation for the secretary and members of the Zoning Hearing Board, notice and advertising costs and necessary administrative overhead connected with the hearing. The costs, however, shall not include legal expenses of the Zoning Hearing Board, expenses for engineering, architectural or other technical consultants or expert witness costs.
4. The first hearing before the Board or hearing officer shall be commenced within 60 days from the date of receipt of the applicant's application, unless the applicant has agreed in writing to an extension of time. Each subsequent hearing before the Board or hearing officer shall be held within 45 days of the prior hearing, unless otherwise agreed to by the applicant in writing or on the record. An applicant shall complete the presentation of his case-in-chief within 100 days of the first hearing. Upon the request of the applicant, the Board or hearing officer shall assure that the applicant receives at least seven hours of hearings within the 100 days, including the first hearing. Persons opposed to the application may, upon the written consent or consent on the record by the applicant and Township, be granted additional hearings to complete their opposition to the application provided the applicant is granted an equal number of additional hearings for rebuttal.
5. The parties to the hearing shall be the Township, any person affected by the application who has made timely appearance of record before the Board, and any other person including civic or community organizations permitted to appear by the Board. The Board shall have power to require that all persons who wish to be considered parties enter appearances in writing on forms provided by the Board for that purpose.
6. The chairman or acting chairman of the Board or the hearing officer presiding shall have power to administer oaths and issue subpoenas to compel the attendance of witnesses and the production of relevant documents and papers, including witnesses and documents requested by the parties.
7. The parties shall have the right to be represented by counsel and shall be afforded the opportunity to respond and present evidence and argument and cross-examine adverse witnesses on all relevant issues.

8. Formal rules of evidence shall not apply, but irrelevant, immaterial, or unduly repetitious evidence may be excluded.
9. The Board or the hearing officer, as the case may be, shall keep a stenographic record of the proceedings. The appearance fee for a stenographer shall be shared equally by the applicant and the Board. The cost of the original transcript shall be paid by the Board if the transcript is ordered by the Board or hearing officer or shall be paid by the person appealing from the decision of the Board if such appeal is made, and in either event the cost of additional copies shall be paid by the person requesting such copy or copies. In other cases the party requesting the original transcript shall bear the cost thereof.
10. The Board or the hearing officer shall not communicate, directly or indirectly, with any party or his representatives in connection with any issue involved except upon notice and opportunity for all parties to participate, shall not take notice of any communication, reports, staff memoranda, or other materials, except advice from their solicitor, unless the parties are afforded an opportunity to contest the material so noticed and shall not inspect the site or its surroundings after the commencement of hearings with any party or his representative unless all parties are given an opportunity to be present.
11. The Board or the hearing officer as the case may be, shall render a written decision or, when no decision is called for, make written findings on the application within forty-five (45) days after the last hearing before the Board or hearing officer. Where the application is contested or denied, each decision shall be accompanied by findings of fact and conclusions based thereon together with the reasons therefor. Conclusions based on any provisions of this Ordinance or of any Ordinance, rule or regulation shall contain a reference to the provision relied on and the reasons why the conclusion is deemed appropriate in the light of the facts found. If the hearing is conducted by a hearing officer, and there has been no stipulation that his decision or findings are final, the Board shall make his report and recommendations available to the parties within forty-five (45) days and the parties shall be entitled to make written representations thereon to the Board prior to the final decision or entry of findings, and the Board's decision shall be entered no later than thirty (30) days after the report of the hearing officer. Except for challenges filed under Section 916.1 of the Pennsylvania Municipalities Planning Code where the Board fails to render the decision within the period required by this subsection or fails to commence, conduct or complete the required hearing as provided in subsection 901.4 of this Ordinance, the decision shall be deemed to have been rendered in favor of the applicant unless the applicant has agreed in writing or on the record to an extension of time. When a decision has been rendered in favor of the applicant because of the failure of the Board to meet or render a decision as hereinabove provided, the Board shall give public notice of said decision within ten days from the last day it could have met to render a decision in the same manner as provided in subsection 901.1 of this Ordinance. If the Board shall fail to provide such notice, the applicant may do so. Nothing in this subsection shall prejudice the right of any party opposing the application to appeal the decision to a court of competent jurisdiction.

12. A copy of the final decision or, where no decision is called for, of the findings shall be delivered to the applicant personally or mailed to him not later than the day following its date. To all other persons who have filed their name and address with the Board not later than the last day of the hearing, the Board shall provide by mail or otherwise, brief notice of the decision or findings and a statement of the place at which the full decision or findings may be examined.

Section 902. FUNCTIONS OF THE ZONING HEARING BOARD

1. The Zoning Hearing Board shall have the functions authorized in the Pennsylvania Municipalities Planning Code, as amended.
2. The jurisdictions of the Zoning Hearing Board and the Township Supervisors and the procedures to be followed by each, shall be as established in said Code.
3. Parties to proceedings before the Zoning Hearing Board authorized by the Pennsylvania Municipalities Planning Code, as amended, may utilize mediation as an aid in completing such proceedings. The mediation option shall meet the stipulations and follow the procedures set forth in said Code.
4. Variances

The Zoning Hearing Board may authorize, upon appeal in specific cases, such variance(s) from the terms of this Ordinance as will not be contrary to public interest, where a literal enforcement of the provisions of this Ordinance will result in unnecessary hardship. In granting any variance the Board may attach such reasonable conditions and safeguards as it may deem necessary to implement the purposes of this Ordinance and the Pennsylvania Municipalities Planning Code, as amended. The Board may, by rule, prescribe the form of application and may require preliminary application to the Zoning Officer. The Board may grant a variance provided the following findings are made where relevant in a given case:

- a. That there are unique physical circumstances or conditions, including irregularity, narrowness, or shallowness of lot size or shape, or exceptional topographical or other physical conditions peculiar to the particular property, and that the unnecessary hardship is due to such condition, and not circumstances or conditions generally created by the provisions of this Zoning Ordinance in the neighborhood or district in which the property is located;
- b. That because of such physical circumstances or conditions, there is no possibility that the property can be developed in strict conformity with the provisions of this Zoning Ordinance and that the authorization of a variance is therefore necessary to enable the reasonable use of the property;
- c. That such unnecessary hardship has not been created by the appellant.
- d. That the variance, if authorized, will not alter the essential character of the neighborhood or district in which the property is located, nor substantially or permanently impair the appropriate use or development of adjacent property, nor be detrimental to the public welfare.

- e. That the variance as granted by the Board is the minimum variance that will afford relief and will represent the least modification possible of the regulation in issue.
- f. Such other considerations as may be set forth in the Pennsylvania Municipalities Planning Code, as amended, from time to time.

The person applying for a variance shall introduce evidence at the hearing which will allow the Zoning Hearing Board to make the aforementioned determinations.

If a zoning permit has been requested, the approved variance with any conditions imposed by the Board shall be attached to the application. Where the variance is approved prior to the application, then the approved variance with any conditions imposed by the Board shall be forwarded to the Zoning Officer.

5. Special Exceptions

The Zoning Hearing Board may issue, upon application, only such special exceptions which the Board by the provisions of this Ordinance is specifically authorized to issue. The granting of a special exception when specifically authorized by the terms of this Ordinance shall be subject to the following standards and criteria. The applicant for a Special Exception shall demonstrate, as a condition to approval of his application, compliance with these criteria and those criteria specified elsewhere in this Ordinance for the use in question.

- a. Such use shall be one which is specifically authorized as a Special Exception Use in the zoning district wherein the applicant seeks a special exception. The use shall meet all applicable regulations of this Zoning Ordinance.
- b. Such Special Exception shall only be granted subject to any applicable conditions and safeguards as required by this Ordinance.
- c. Such use shall not adversely affect the character of the general neighborhood, nor the conservation of property values, nor the health and safety of residents or workers on adjacent properties and in the general neighborhood, nor the reasonable use of neighboring properties. The use of adjacent properties shall be adequately safeguarded.
- d. Such use shall be of such size and so located and laid out in relation to its access streets that vehicular and pedestrian traffic to and from such use will not create undue congestion or hazards prejudicial to the general neighborhood. The surrounding streets shall be sufficient to accommodate any expected increase in traffic generated by the proposed use.
- e. Services and utilities such as water supply, sewage disposal, and storm water drainage shall be made available to adequately service the proposed use by the applicant.

- f. There shall be control of development of highway frontage so as to limit the number of points for ingress and egress and consider their location with due regard to safety factors.
- g. Consideration shall be given to the desirability of the proposed location of an industrial or commercial use with respect to probable effects upon street or highway traffic, and assurance of adequate access arrangements to protect against undue traffic congestion and hazard.
- h. Consideration shall be given to such other considerations as may be set forth in the Pennsylvania Municipalities Planning Code, as amended, from time to time.
- i. That the proposed use shall not have an adverse effect upon the logical and economic extension of public services and facilities, such as public water, sewer, police and fire protection, and public schools.
- j. The proposed use does not impair the achievement of the Comprehensive Plan.

In granting a special exception, the Board may attach such reasonable conditions and safeguards, in addition to those expressed in this Ordinance, as it may deem necessary to implement the purposes of this Ordinance and the Pennsylvania Municipalities Planning Code, as amended, which conditions may include but are not limited to harmonious design of buildings, planting and maintenance of shrubbery or trees as a sight and/or sound barrier, and the minimizing of potentially noxious, offensive or hazardous elements.

- 6. The Zoning Hearing Board shall exercise any other power specifically granted to the Board under the terms of this Ordinance or the Pennsylvania Municipalities Planning Code, as amended.

Section 903. PROCEDURES FOR APPLICATION TO THE ZONING HEARING BOARD

The Board shall act in accordance with the procedures specified by the Pennsylvania Municipalities Planning Code, as amended, and by this Ordinance. All appeals and applications made to the Board shall be in writing, on forms prescribed by the Board. Every appeal or application shall refer to the specific provision of this Ordinance involved and shall exactly set forth the interpretation that is claimed, the grounds for any challenges to the validity of this Ordinance, the use for which a special exception is sought, or the details of the variance that is applied for and the grounds on which it is claimed that the variance should be granted, as the case may be. All appeals and any stay of proceedings shall be in accordance with the Pennsylvania Municipalities Planning Code, as amended.

Applications and appeals, together with the required filing fee as established by the Township Supervisors, shall be submitted to the Zoning Officer. As a minimum, all material required for a Zoning Permit shall be submitted with the application. The applicant shall also submit a description of the operations proposed in sufficient detail to indicate the effects of those operations proposed in producing traffic congestion, noise, glare, water pollution, fire hazards, safety hazards or other potentially harmful activities.

Section 904. TIME LIMITATIONS

1. If the Zoning Hearing Board grants a special exception or variance, approves the issuance of a permit or authorizes other action to be taken by an applicant, the necessary permit(s) shall be secured and the authorized action begun within one (1) year after the date of the grant of the special exception, variance, approval, authorization or approval of the permit or authorization of other action, as the case may be, unless a longer time is specified by the Zoning Hearing Board or the Zoning Hearing Board grants an extension in writing.
2. If the applicant fails to obtain necessary permits within the said one (1) year or such specified longer time, the granted special exception or variance, the issued permit(s) or other authorized actions shall automatically expire.
3. If the applicant commences construction or alteration within one (1) year or such specified longer time but fails to complete the work within any specified time limit, the granted special exception, variance, the issued permit or other authorized action shall automatically expire.

Section 905. SUBMISSION OF APPLICATIONS FOR SPECIAL EXCEPTIONS AND VARIANCES TO TOWNSHIP SUPERVISORS

The Zoning Officer shall immediately upon receipt forward a copy of any application for a Special Exception or Variance to the Supervisors prior to the hearing held by the Zoning Hearing Board on such application.

ARTICLE X

ENACTMENT

Section 1000. PUBLIC UTILITIES CORPORATION EXEMPTED

This Ordinance shall not apply to any existing or proposed buildings, or extension thereof, used or to be used by a public utility corporation, if, upon petition of the corporation, the Pennsylvania Public Utility commission shall, after a public hearing, decide that the present or proposed building in question is reasonably necessary for the convenience or welfare of the public.

This exemption shall not apply to Communications Antennas, Communications Equipment Buildings and Communications Towers for wireless telecommunications services regulated under the 1996 Telecommunications Act.

Section 1001. SEVERABILITY

If any article, section, subsection, provision, regulation, limitation, restriction, sentence, clause, phrase or word in this Zoning Ordinance is declared for any reason to be illegal, unconstitutional, or invalid by any court of competent jurisdiction, such decision shall not affect or impair the validity of the Zoning Ordinance as a whole, or any other article, section, subsection, provision, regulation, limitation, restriction, sentence, clause, phrase word, or remaining portion of the Zoning Ordinance. The Board of Supervisors of District Township, Berks County, Pennsylvania, hereby declares that it would have adopted the Zoning Ordinance and each article, section, subsection, provision, regulation, limitation, restriction, sentence, clause, phrase and word thereof irrespective of the fact that any one or more of the articles, sections, subsections, provisions, regulations, limitations, restrictions, sentences, clauses, phrases or words may be declared illegal, unconstitutional or invalid.

Section 1002. REPEAL OF CONFLICTING ORDINANCES

All ordinances or parts of ordinances, together with the amendments and supplements thereto, including the District Township Zoning Ordinance of 1976, as amended, are hereby repealed to the extent that the same conflict with the provisions of this Zoning Ordinance, provided however, that the provisions of this Zoning Ordinance shall not affect any suit or prosecution pending or to be instituted to enforce any provision of such repealed ordinance or to punish any offense against any such repealed ordinance committed prior to the effective date of this Zoning Ordinance.

Section 1003. EFFECTIVE DATE

This Ordinance shall become effective five (5) days after the date of its enactment.

REENACTED AND ORDAINED THIS ____ day of _____, 2018.

DISTRICT TOWNSHIP
BOARD OF SUPERVISORS

Ed Overberger, Chairman

ATTEST:

Leonard Robb, Member

Susan Manwiller, Secretary

John Burger, Member